

MINUTES

OF THE

NATURAL RESOURCE COMMISSION

MEETING

MAY 11, 2006

WAUBONSIE STATE PARK
HAMBURG, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by Chairperson Marcantonio at 8:30 a.m. on Thursday, May 11, 2006 at the Wa-Shawtee Nature Center, Waubonsie State Park.

MEMBERS PRESENT

Joan Schneider
Janice Marcantonio
Randy Duncan
Liz Garst
Kim Francisco

MEMBERS ABSENT

Lennis Moore
Carol Kramer

APPROVE AGENDA

It was noted that the recognition of Milt Hunt would be moved forward on the agenda.

Motion was made by Commissioner Francisco to approve the May 11, 2006 NRC agenda, as amended. Seconded by Commissioner Schneider. Motion carried unanimously.

AGENDA APPROVED

ELECTION OF OFFICERS

Motion was made by Commissioner Duncan to nominate Joan Schneider as Chairperson and Liz Garst as Secretary of the NRC for the coming year. Commissioner Garst nominated Randy Duncan as Vice-Chairperson. The motions were seconded by Commissioner Francisco. Motions carried unanimously.

NEW OFFICERS ELECTED

Newly elected chairperson Joan Schneider presided as Chair for the remainder of the meeting.

APPROVE MINUTES

Motion was made by Commissioner Francisco to approve the March 9, 2006 and April 13, 2006 NRC Minutes. Seconded by Commissioner Marcantonio. Motion carried unanimously.

MINUTES APPROVED
CONSTRUCTION PROJECTS

Linda Hanson, Administrator, Management Services Division, presented the following item.

Bids were opened April 19, 2006 for the following projects:

Manchester Law Enforcement, Delaware Co. – Boat Storage Building

This project consists of the construction of a 30 foot by 60 foot pole storage building with concrete floor, four overhead doors and a personnel door, as well as, some exterior concrete slabs and crushed stone paving. The building is to match an existing storage building, which will require minor modifications and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 50% in Marine Fuel Tax and 50% Federal Boat Safety (Coast Guard) funds. DNR estimate is \$ 50,000. Nine sets of plans were issued. One bid was received.

Thomas A. Duff, dba TADCO	Volga, IA	
Alternate #1: new building 10 feet from the existing building.		\$67,705.56
Alternate #2: new building as an addition to the existing building		\$68,705.56

Staff recommends rejection of sole bid and re-bid at a later date.

Motion was made by Commissioner Garst to reject the sole bid for the boat storage building at Manchester. Seconded by Commissioner Marcantonio. Motion carried unanimously.

CONSTRUCTION BID REJECTED
Geode State Park, Henry Co. – Service and Office Building

This project consists of the construction of a DNR standard office and maintenance building consisting of a pre-engineered wood pole type building with improvements as shown on the drawings. This project also includes some site work, crushed stone paving, exterior slabs, utility connections, and a geothermal system and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% in REAP Open Spaces Acquisition and Development funds. DNR estimate is \$240,000. Fourteen sets of plans were issued. Two bids were received.

Bi-State Contracting, Inc.	Burlington, IA	\$281,847.26
HES Construction LLC	Mount Pleasant, IA	\$356,400.00

Staff recommends award of contract to Bi-State Contracting, Inc., low bidder.

Motion was made by Commissioner Francisco to approve the low bid of Bi-State Contracting, Inc. of Burlington, Iowa, in the amount of \$281,847.26 for a service and office building at Geode State Park. Seconded by Commissioner Marcantonio. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Big Creek State Park, Polk Co. – NW Lagoon Repairs

This project consists of clearing and grubbing of existing lagoon, bentonite soil treatment, placement of riprap on lagoon slopes and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% in Federal/State Revolving Loan funds. DNR estimate is \$50,000. Twenty-one sets of plans were issued. Six bids were received.

Sterk Excavating, Inc.	Otley, IA	\$31,280.40
Seibert Trucking, Inc.	Des Moines, IA	\$42,136.40
Weavers, Inc.	Tipton, IA	\$45,751.00
Richards Construction Co., Inc.	Sac City, IA	\$45,812.50
Elder Corp.	Des Moines, IA	\$53,673.00
Hecks Dozer, Inc.	Ogden, IA	\$54,988.95

Staff recommends award of contract to Sterk Excavating, Inc., low bidder.

Motion was made by Commissioner Marcantonio to approve the low bid of Sterk Excavating, Inc. of Otley, Iowa, in the amount of \$31,280.40 for lagoon repair at Big Creek State Park. Seconded by Commissioner Francisco. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Lost Grove Lake – Amendment for Additional Design and Engineering Services

The Natural Resource Commission's approval is requested to amend the Department's contract with Team Services, Inc. in the amount of \$24,665 for additional engineering and design studies of the Lost Grove Lake dam. The U.S. Fish and Wildlife Service (USFWS) has requested additional information from the Department necessary for it to approve the upgrade of the Lost Grove Lake dam (Project). The proposed amendment would pay for the additional work required by USFWS.

The original design of Lost Grove Lake was completed in 2001 and was based on the Department's moderate hazard classification, meaning the dam had been designed to a moderate hazard classification. The Department proposed to revise the existing construction plans and specifications of the dam to upgrade its design to a high-hazard dam classification. In order to accommodate this revision and upgrade, the Department requested and received permission from the Commission at its meeting on August 8, 2005, to contract with Team Services, Inc. to provide updated engineering and design studies for a total amount of \$63,443.50.

The USFWS has notified the Department that it would require additional information to satisfy its review criteria, as is required with federally-funded projects. The additional information includes: more soil tests; Constant Head Permeability tests; Atterberg Limits tests; and more design and analysis of pressure relief wells. Until the Department provides this information to USFWS's satisfaction, USFWS will not approve the use of its funds to meet the Project's goals.

Motion was made by Commissioner Duncan to amend the Department's contract with Team Services, Inc. in the amount of \$24,665 for additional engineering and design studies of the Lost Grove Lake dam, as required by USFWS. Seconded by Commissioner Garst. Motion carried unanimously.

AMENDED CONTRACT APPROVED

Engineering and Realty Bureau – Amendment for Enhancements to Project Tracking System

The Natural Resource Commission's approval is requested to amend the Department's contract with Strategic Media Partners, L.L.C. to increase the amount of contract by \$18,500 for additional system analysis and program enhancements to the Engineering and Realty Project Tracking System and to extend the contract to December 31, 2006. The enhancements include: the creation of a Land Management Request System patterned after the successful Construction Project Request System, the creation of a "Bureau Chief Dashboard" that would provide the Engineering and Realty Bureau Chief with a single web page that displays projects across construction, land acquisition, and land management systems that need special attention and additions to the existing agricultural land leasing, land acquisition request and engineering project request systems. The amendment is budgeted in Engineering and Realty Bureau's operations fund.

The original Agreement for Professional Services, dated December 23, 2003, between Strategic Media Partners L.L.C. and the Department has been amended annually to develop the system that provides engineering project and land management requests and tracking functions for all Department staff. Cumulative expenditure since FY04 is \$41,378.44. The proposed amendment of \$18,500 is anticipated to complete this phase of the Engineering and Realty Project Tracking System for a total amount not to exceed \$59,878.44.

Motion was made by Commissioner Garst to amend the Department's contract with Strategic Media Partners, L.L.C. to increase the amount of the contract by \$18,500 for additional system analysis and program enhancements to the Engineering and Realty Project Tracking System and to extend the contract to December 31, 2006. Seconded by Commissioner Francisco. Motion carried unanimously.

CONTRACT AMENDMENT APPROVED

LAND ACQUISITION

Linda Hanson, Administrator, Management Services Division, presented the following item.

Little Buck Wildlife Management Area, Bremer County—Scott Reiter

The Natural Resource Commission's approval is requested to purchase a tract of land located in Bremer County adjacent south of state-owned and managed Little Buck Wildlife Management Area. Scott Reiter offers this 6-acre tract for the appraised price of \$6,000.

Rick Hansen provided the valuation of the tract and negotiated the purchase agreement.

This property is located approximately 2 miles east of Readlyn in southeastern Bremer County. The tract is bottomland timber reflecting level topography. The Wapsipinicon River bisects the property. There are no building improvements. Access is provided by state-owned land adjacent north of the tract.

This tract will provide for wildlife habitat and enhance public recreation to this area. The Wildlife Bureau will manage the property in accord with the area management plan.

Acquisition funding will be provided by 100% State Turkey Trade (through the Fish and Wildlife Trust Fund). No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Marcantonio to approve the purchase of a six acre tract of land located adjacent to the Little Buck Wildlife Management Area in Bremer County for the appraised price of \$6,000. Seconded by Commissioner Duncan. Motion carried unanimously.

LAND ACQUISITION APPROVED**Bloody Run Wildlife Management Area, Clayton County—Wanda Osolkowski**

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Clayton County. The property is adjacent to the east side of the DNR-owned Bloody Run Wildlife Management Area. Wanda Osolkowski offers the 120-acre parcel for \$350,000. The appraised value of the property is \$470,000. The seller reserves the exclusive right of possession of the home site, including their existing dwelling, for so long as it is occupied as the principal residence.

Daniel K. Kinsinger, Licensed Appraiser of Iowa City, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in northeastern Clayton County, Iowa. The small town of Marquette is located about 1.5 miles east of the property. The topography ranges from moderately rolling to steep and is mostly forested. Hardwood species and older conifers dominate the aesthetic landscape with views of the Mississippi River. The property has excellent potential for deer, turkey and non-game wildlife. Many conifers exist providing excellent winter habitat for all wildlife species. This project would add a substantial amount of woodland to the Bloody Run

area and protect the watershed of the Bloody Run trout stream. Acquisition of this property also allows for better public access to the existing wildlife area.

This acquisition will become part of the 615 acre Bloody Run Wildlife Management Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be the Fish and Wildlife Trust Fund (Turkey Trade \$325,000), the National Wild Turkey Federation (\$20,000), and the Ruffed Grouse Society (\$5,000). Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Marcantonio to approve the purchase a 120-acre parcel of land located adjacent to Bloody Run Wildlife Management Area in Clayton County from Wanda Osolkowski for the price of \$350,000. Seconded by Commissioner Garst. Motion carried unanimously.

LAND ACQUISITION APPROVED

Brett Kilma Wildlife Management Area, Black Hawk County—Erna and Ivan Miller

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Black Hawk County, adjacent to the south side of the County managed Brett Kilma Wildlife Management Area. Erna and Ivan Miller offer the 80-acre parcel for the appraised price of \$114,000.

Jamie R. Nabb, Licensed Appraiser of Mount Vernon, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in southeastern Black Hawk County, Iowa. The south part of the property extends into the corporate limits of LaPorte City. The topography is nearly level with Wolf Creek bisecting the property from south to north. The property consists of 13 acres of cropland and 67 acres of floodplain forest. The average corn suitability rating (CSR) on the cropland is 40. Habitat on the property is excellent for deer, turkey, squirrel and other non-game wildlife. It will also provide another access to the Brett Kilma Wildlife Management Area.

This acquisition will become part of the 667 acre Brett Kilma Wildlife Management Area and will be managed by the Black Hawk County Conservation Board in accord with the area management plan. LaPorte City has agreed to allow hunting within the corporate limits.

Funding used for this acquisition will be \$100,000 from the Junior Rahn Estate Donation and \$14,000 from the Wildlife Habitat Stamp Fund. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Duncan to approve the purchase of an 80-acre parcel of land located adjacent to the Brett Kilma Wildlife Management Area in Black Hawk County from Erna and Ivan Miller for the appraised price of \$114,000. Seconded by Commissioner Francisco. Motion carried unanimously.

LAND ACQUISITION APPROVED

Sedan Bottoms Wildlife Management Area, Appanoose County—Dale Johnson

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Appanoose County. The property is surrounded, on three sides, by the DNR- owned Sedan Bottoms Wildlife Management Area. Dale Johnson offers the 40-acre parcel for the appraised price of \$49,750. The seller reserves one additional year of agricultural rights on 9.5 acres of cropland.

Robert K. Johnson, Licensed Appraiser of Ames, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in southeastern Appanoose County and the county seat of Centerville is about 12 miles northwest. The topography ranges from strongly rolling to nearly level. Pigeon Creek severs the northern half of the property. The property consists of 9.5 acres of cropland and 30.5 acres of timber. The upland forest will be managed for forest wildlife while the bottomland crop fields will provide a winter food source for area wildlife.

This acquisition will become part of the 5,085 acre Sedan Bottoms Wildlife Management Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be the Fish and Wildlife Trust Fund (Turkey Trade \$39,750) and the National Wild Turkey Federation (\$10,000). Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Marcantonio to approve the purchase of a 40-acre tract of land located adjacent to the Sedan Bottoms Wildlife Area in Appanoose County from Dale Johnson for the appraised price of \$49,750.00. Seconded by Commissioner Francisco. Motion carried unanimously.

LAND ACQUISITION APPROVED

Stephens State Forest, Lucas County—Jaynane Hardie et al

The Natural Resource Commission's approval is requested to accept a donation of land located in Lucas County. Jaynane Hardie, John Braida, Darold Braida and Janice Twinam offer this 0.6-acre tract for donation.

Rick Hansen facilitated this land donation.

This property is an inholding located approximately 5 miles east of Williamson in east central Lucas County. The tract reflects forest land of level topography. A county gravel-surfaced road

borders the west side of the tract. Cedar Creek meanders a short distance south and east of the property.

This tract will provide for public access and wildlife habitat to the Cedar Creek Unit (1,890 acres) of Stephens State Forest. The Forestry Bureau will manage the property in accord with the area management plan.

This property was part of an old coal mining settlement known as Olmitz. The donors' ancestors owned a general store on the site in the early 1900s. A tornado destroyed the settlement in the mid-1920's with businesses relocating to the town of Williamson.

The Department will provide for a rock at the site. The donors will provide and affix a plaque telling the history of Olmitz. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Francisco to accept a donation from Jaynane Hardie, John Braida, Darold Braida and Janice Twinam of a 0.6 acre tract located at the Stephens State Forest in Lucas County. Seconded by Commissioner Duncan. Motion carried unanimously.

LAND DONATION APPROVED

Commissioner Garst asked if a value has been placed on the land donation and how the dollar amount is determined.

Linda Hanson explained that for tax purposes, the dollar value for land donations is determined upon completion of the appraisal after the transaction is official. The figure from the appraisal becomes part of the department's permanent record with the intent to compile that information and distribute it on an annual basis.

Jerry Gibson explained that the agency signs Form 8283 indicating that the land is given as a donation. Under the new IRS regulations, agency employees cannot do the appraisal so the appraisal is contracted out to a fee appraiser. The fee appraiser signs off on Form 8283 indicating that it is a value is valid. The appraisal is then given to the donor for their use.

Marlowe Ray Wildlife Management Area, Guthrie County—Michael and Martha Paul

The Natural Resource Commission's approval is requested to purchase a tract of land located in Guthrie County adjacent north of state-owned and managed Marlowe Ray Wildlife Management Area. Michael and Martha Paul offer this 20-acre tract for the appraised price of \$41,000.

Donald Kearn, Licensed Appraiser of Atlantic, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located approximately one mile west of Linden in east central Guthrie County and the Middle Raccoon River forms the south boundary. It is entirely forested and reflects rolling to steep topography. There are no permanent building structures and the sellers have the

right to remove a camper and an old RV from the property. Access is provided by a county dirt road along the east side of the tract.

This aesthetic tract will increase the Marlowe Ray Wildlife Management Area to over 200 acres, and will provide wildlife habitat, protection of the Middle Raccoon River (water quality), and enhance public recreation to this area. The Wildlife Bureau will manage the property in accord with the area management plan.

Acquisition funding will be provided by 100% REAP Protected Waters Area fund. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Duncan to purchase a 20-acre tract of land located at the Marlow Ray Wildlife Management Area in Guthrie County from Michael and Martha Paul for the appraised price of \$41,000. Seconded by Commissioner Marcantonio. Motion carried unanimously.

LAND ACQUISITION APPROVED

Loess Hills Wildlife Management Area, Monona County—Iowa Natural Heritage Foundation

The Natural Resource Commission's approval is requested to purchase a tract of land located in Monona County adjacent north of state-owned and managed Loess Hills Wildlife Management Area. The Iowa Natural Heritage Foundation offers this 78-acre tract for \$100,000. The appraised price of the tract is \$128,000.

Gary Thien, Licensed Appraiser of Council Bluffs, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located approximately 4 miles northwest of Castana in central Monona County. The tract reflects rolling to steep topography. Current land use is 28 acres of cropland and 50 acres of partially forested upland hills. There are no building improvements on the property. Access is provided by state-owned land adjacent south of the tract.

This aesthetic tract will increase the Loess Hills Wildlife Management Area to over 2,800 acres, and will provide wildlife habitat, and enhance public recreation to this area. The Wildlife Bureau will manage the property in accord with the area management plan.

Acquisition funding will be provided as follows: \$67,000 State Turkey Trade (through the Fish and Wildlife Trust Fund); \$20,000 Pheasants Forever; \$10,000 Dorothy Pedersen (private donor), and \$3,000 The Nature Conservancy. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

The Department would like to acknowledge the contribution of the Loess Hills Alliance. The Alliance contributed \$34,888 to the project through INHF at the time of their purchase of the tract in January 2006.

Motion was made by Commissioner Marcantonio to approve the purchase of a 78-acre tract of land located north of the Loess Hills Wildlife Management Area in Monona County from the Iowa Natural Heritage Foundation for the price of \$100,000. Seconded by Commissioner Francisco.

Specific acknowledgement was made of all the donors for this acquisition, and special note was made of the contribution of the Loess Hills Alliance.

Motion carried unanimously.

LAND ACQUISITION APPROVED

PROPERTY TAX PAYMENTS BY DNR

Linda Hanson, Administrator, Management Services Division, presented the following item.

Commissioner Francisco requested an update on property taxes paid by the Department of Natural Resources for fiscal year 2006. Information regarding Property Taxes including: Property Taxes - Total, Property Taxes - REAP (totals by county), Property Taxes Paid - Habitat Stamp (totals by county) and Property Taxes Paid (all funds by county) was distributed to the commissioners.

Charts showing property taxes paid by the department are on file in the department's records center.

INFORMATION ITEM

BOUNDARY AGREEMENTS

Linda Hanson, Administrator, Management Services Division, presented the following item.

Five Island Lake, Palo Alto County

The Natural Resource Commission's approval is requested to approve a boundary agreement with K & R Properties, L.L.C, of Des Moines, Iowa to recognize the boundary of a portion of Five Island Lake in Government Lot 2, Section 24, Township 96 North, Range 33 West in Palo Alto County.

K & R Properties is currently developing a casino in Emmetsburg. They are purchasing the Emmetsburg Country Club, located immediately south of Kearney State Park and along the westerly shore of the lake. They propose to develop a new club house and to continue operation of the public golf course in Kearney State Park. The golf course is operated through a sub-agreement under the existing management agreement between the DNR and the City of Emmetsburg. As a part of their purchase of the country club property, K & R Properties had the

boundary of the property surveyed. The property has been owned by the Emmetsburg County Club since 1946, and at that time the property was riparian to the lake and had been surveyed as such. Today the physical shore line of the lake is located somewhat easterly of its 1946 location due to placement of dredge fill in the lakebed. The proposed agreement will recognize the boundary between the country club property and the lakebed as it existed in 1946, recognize adjacent filled lakebed as sovereign state owned property and recognize the K & R Properties parcel as having riparian property rights.

Land surveying costs associated with the agreement will be paid by K & R Properties.

Motion was made by Commissioner Duncan to approve a boundary agreement with K & R Properties, L.L.C, of Des Moines, Iowa to recognize the boundary of a portion of Five Island Lake in Government Lot 2, Section 24, Township 96 North, Range 33 West in Palo Alto County. Seconded by Commissioner Francisco. Motion carried unanimously.

BOUNDARY AGREEMENT APPROVED

Five Island Lake Access, Palo Alto County

The Natural Resource Commission's approval is requested for a boundary agreement with the Frink, Frink and King Estate (Estate) of Emmetsburg, Iowa to establish the north boundary of the Five Island Lake Access Area in Government Lot 1, Section 18, Township 96 North, Range 32 West in Palo Alto County.

Five Island Lake Access is an approximately two acre parcel along the eastern shore of the lake that provides a boat ramp and public access to approximately one-half mile of shoreline. The parcel was acquired by the state in 1936. It is managed by the City of Emmetsburg under a management agreement with the DNR.

Representatives of the Estate have contacted the DNR requesting that their common boundary with the access area be accurately determined. No observable posting or possession along the boundary exists. The legal description in the deed to the parcel inadequately describes its boundary. The description is referenced to a road, which was relocated many years ago after the state's acquisition of the property. Records of the exact location of that original road do not exist. There is an approximate reference in the deed description to trees that still can be observed. Those trees provide the basis for the proposed boundary. The proposed boundary will not compromise public access and reasonably agrees with the property description references in the deed.

Land surveying costs associated with the agreement will be paid by the Estate.

Motion was made by Commissioner Francisco to approve a boundary agreement for the Frink, Frink and King Estate (Estate) of Emmetsburg, Iowa to establish the north boundary of the Five Island Lake Access Area in Government Lot 1, Section 18, Township 96 North, Range 32 West in Palo Alto County. Seconded by Commissioner Garst. Motion carried unanimously.

BOUNDARY AGREEMENT APPROVED

Smith Wildlife Management Area, Pottawattamie County

The Natural Resource Commission's approval is requested for a boundary agreement with William Pettinger of Council Bluffs, Iowa to redefine a portion of the boundary of Smith Wildlife Management Area in Section the S ½ of the NE ¼ of Section 16, Township 75 North, Range 43 West in Pottawattamie County.

The state of Iowa acquired the affected property in September of 1958. Soon after its acquisition, the boundary was surveyed by the Conservation Commission. In the S ½ of the NE ¼ of Section 16, that survey followed an existing fence rather than the boundary described in the deed. The Commission recorded a correction deed using the survey description. No maintenance of the fence has occurred since that time. Infrequent remnants of that fence can only be found today. Use of that fence as the boundary served to expand the state's acreage and reduced that of the adjacent property. William Pettinger now owns the property adjacent to the boundary and had a survey of his property completed in preparation for building a fence on the boundary. The survey revealed the conflict between his deed description and the state's correction deed description. Pettinger requested that the DNR review the common boundary with his intent of installing a new fence.

Construction of a fence along the 1958 survey line will be difficult, and will require removal of a significant number of trees located on a steep hillside along its entire length (approximately 1,700 feet). The DNR is obligated by law to construct one-half of the new fence. Pettinger has offered to construct and maintain in perpetuity the entire fence and pay the associated survey costs in exchange for a boundary agreement that defines the common boundary very nearly as appears in his deed and the state's original deed.

Staff have viewed the site and reviewed the history of the boundary. In the staff's judgment: the DNR today would not use a survey as performed in 1958 to unilaterally create a deed description that conflicts with the adjacent property description; the proposed agreement will very nearly agree with the original deed by which the state acquired its property; Pettinger's offer to assume all fencing responsibilities will be a significant cost savings to the state; and relocating the fence as proposed will eliminate the need to remove many large trees on a steep hillside. The proposed boundary will not adversely affect public use of the area.

Motion was made by Commissioner Garst to approve a boundary agreement with William Pettinger of Council Bluffs, Iowa to redefine a portion of the boundary of Smith Wildlife Management Area in Section the S ½ of the NE ¼ of Section 16, Township 75 North, Range 43 West in Pottawattamie County. Seconded by Commissioner Duncan. Motion carried unanimously.

BOUNDARY AGREEMENT APPROVED

MANAGEMENT AGREEMENT—KEARNEY STATE PARK, PALO ALTO COUNTY

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Natural Resource Commission's approval is requested for the amendment of the existing management agreement between the City of Emmetsburg, Iowa (City) and the DNR to extend its

period to December 31, 2030, and to include that part of the filled lakebed of Five Island Lake adjacent to Government Lot 2, Section 24, Township 96 North, Range 33 West in Palo Alto County.

Kearney State Park is managed by the City under its management agreement that runs through December 31, 2012. The park is occupied by a public golf course, public camping area and public boat ramp. The boat ramp and the camping area are managed by the City directly. The golf course has been managed by the Emmetsburg Country Club through a sub agreement under the City's management agreement with the DNR. K & R Properties of Des Moines, Iowa is purchasing the country club and has proposed to develop a new club house and to continue operation of the public golf course in Kearney State Park in accordance with the City's management agreement with the DNR and a sub-agreement with the City. Also, the City has proposed to build a new shower and toilet building in the park that will also serve as a storm shelter for campers. The extension of the period of the agreement was requested by the City to ensure a long term management relationship with the DNR in consideration of its significant investment in the new shower and toilet building and by K & R Properties' investment to build the new club house and manage the golf course.

The park was acquired by the state in 1940 and consisted of 44.77 acres and did not include any area of the lakebed. Five Island Lake has been dredged periodically throughout most of the last 97 years resulting in significant areas of fill in the lakebed. Approximately 1 acre of lakebed has been filled adjacent to the park. Most of that area is now occupied by camping sites and parking. It is proposed that the fill area be added to the management agreement.

Motion was made by Commissioner Duncan to approve the amendment of the existing management agreement between the City of Emmetsburg, Iowa (City) and the DNR to extend its period to December 31, 2030, and to include that part of the filled lakebed of Five Island Lake adjacent to Government Lot 2, Section 24, Township 96 North, Range 33 West in Palo Alto County. Seconded by Commissioner Marcantonio. Motion carried unanimously.

AMENDED MANAGEMENT AGREEMENT APPROVED

CHAPTER 18 LEASES

Linda Hanson, Administrator, Management Services Division, presented the following item.

Cargill Incorporated, Mississippi River, Scott County

The Natural Resource Commission is requested to recommend approval to the Executive Council of a Chapter 18 renewal with Cargill Incorporated of Dubuque, Iowa, for a portion of the bed of the Mississippi River.

The lease area consists of 100 feet of river frontage by 100 feet of depth, located at River Mile 469.8 in the SW ¼ of Section 19, Township 77 North, Range 2 East, Scott County, approximately five miles downstream from the City of Davenport. The lease accommodates an area of fill on the riverbed occupied by barge loading facilities handling corn and soybean oil, liquid fertilizer and road salt. The site has been under lease since 1977.

The proposed lease will be for a 5 year period. The annual fee will be \$600 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees.

Motion was made by Commissioner Francisco to recommend approval to the Executive Council of a Chapter 18 lease renewal with Cargill Incorporated of Dubuque, Iowa, for a portion of the bed of the Mississippi River. Seconded by Commissioner Garst.

Short discussion ensued regarding how lease fees are determined.

Commissioner Francisco asked that a summary of legislative changes from this past legislative session be provided the commissioners.

River Trading Company, Mississippi River, Muscatine County

The Natural Resource Commission is requested to recommend approval to the Executive Council of a Chapter 18 renewal with River Trading Company of Maple River, Minnesota, for a portion of the bed of the Mississippi River.

The lease area consists of 500 feet of river frontage by 30 feet of depth, located at River Mile 451 in the SW ¼ of Section 22, Township 76 North, Range 2 West, Muscatine County, approximately one mile downstream from the City of Muscatine. The lease accommodates a barge loading terminal consisting of a work barge carrying a crane and conveyor hopper moored to a series of pile clusters constructed on the bed of the river. The terminal handles soybean oil, molasses, coal, potash, and liquid fertilizer. The structures were authorized by a construction permit issued by the DNR in January, 2000. The site has been under lease since 2001.

The proposed lease will be for a 5 year period. The annual fee will be \$3,000 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees.

PROJECT AWARE UPDATE

Linda Hanson, Administrator, Management Services Division, presented the following item.

Project AWARE (A Watershed Awareness and River Expedition) 2005 was held June 18-25 (<http://www.iowadnr.com/volunteer/aware/05aware.html>) and marked the third Project AWARE event. We would like to provide an update on the accomplishments of this initiative in its third year and highlight the upcoming 2006 Project AWARE event to be held June 17-24.

Project AWARE is an event that involves the coordination and partnership of many organizations and specifically DNR employees among all departmental divisions. One of the most notable achievements, as with 2004, was we recycled 85% of the trash collected.

Prompted by the department's IOWATER program, whose mission is to empower Iowa's citizens to monitor water quality across the state and in partnership with the department's Keepers of the Land Volunteer Program that strives to bring Iowans closer to their natural

environment through volunteer experiences, Project AWARE came about as a way to offer a group of volunteers the opportunity to be involved, via canoes and kayaks, in a week-long, highly visible, impactful, and intensive river clean-up, and water quality monitoring event. The following objectives have guided its planning and implementation.

- Increase awareness about water quality issues that threaten the health of Iowa's water resources, and promote advocacy and action towards their improvement and protection.
- Involve Iowa's citizen volunteers in an action project that produces a tangible, quantitative result (numbers of citizens involved and quantity of trash removed, recycled, reused, or properly disposed of).
- Emphasize the importance of partnerships by involving anyone and everyone who wants to be involved, including local, county, state, and federal agencies, businesses, and human-interest groups.
- Show the state of Iowa that its citizens are serious, concerned, and willing to make a difference - one stretch of river, one piece of trash at a time.

Project AWARE focuses on primary state waterways that are considered impaired with regard to water quality and overall health and integrity. This, as well as the intention of Project AWARE to provide tangible results to the entire state, is reflected through the event's mobile-minded implementation.

- In 2003 Project AWARE focused on 112 miles of the Maquoketa River in eastern Iowa, stretching from Backbone State Park to the Mississippi River near Green Island.
- In 2004 Project AWARE focused on 107 miles of the Des Moines River Watershed and central Iowa, reviving an area reaching from Gotch State Park to Prospect Park in the heart of Des Moines.
- In 2005 Project AWARE focused on 96 miles of the Little Sioux River in northwestern Iowa, stretching from Spencer to Cherokee.
- In 2006 Project AWARE is scheduled for June 17-24 on the South Iowa River in southeastern Iowa.

Commissioners were invited to participate in the project events scheduled for June 17-24 on the South Iowa River in southeastern Iowa. Merry Rankin, Volunteer Program Coordinator, will present videos from previous events at a later date.

INFORMATION ITEM

RECOGNITION OF MILT HUNT

Milt Hunt, Carpenter/Woodworker, in the Parks Bureau retired on May 4, 2006. Milt has served the people of Iowa for 55 years!! Milt began his career at Lake Ahquabi State Park in 1951 as a laborer. He moved to Red Haw State Park in 1956 as a park conservation officer. In 1961, Milt was transferred to Clear Lake State Park. Milt and his wife, Jo, made their final career move in 1965 when he was appointed Manager of the Central Shop. For 41 years, Milt has been making furniture, doors, signs, and many other items that are located in Iowa State Parks and other DNR facilities. His more recent accomplishments include constructing the covered wagon for DNR's

Nature Store and replacing the front door, including the entire frame and overhead cathedral window, in the stone Fort Atkinson church that was built in the mid 1800s.

Milt's craftsmanship can be found in every state park in Iowa. In recognition of his 55 years of public service, Natural Resource Commission approval is requested to officially name the Central Shop in Lake Macbride State Park near Solon as "Milt Hunt Central Shop." An internal management committee comprised of the Bureau Chiefs and Division Administrator in the Conservation and Recreation Division has unanimously approved this naming recognition.

Kevin Szcodronski, Parks Bureau Chief, gave a power point presentation showing a few of the signs, furniture and other projects made by Milt Hunt. He recognized and congratulated Milt on his career and dedication to the department.

Motion was made by Commissioner Francisco to approve naming the Central Shop in Lake Macbride State Park as "Milt Hunt Central Shop". Seconded by Commissioner Garst. Motion carried unanimously.

MILT HUNT CENTRAL SHOP APPROVED

Director Vonk congratulated Milt Hunt on his retirement and accomplishments and thanked him for his service to the state.

RURAL WATER ACCESS EASEMENT – VIKING LAKE STATE PARK

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission's approval is requested to grant a limited easement to the Page 1 Regional Water District of Clarinda, Iowa. The agreement will formally grant approximately 15 square feet of subsurface land at Viking Lake State Park to the water district for the purposes of running water pipes, which will benefit the Department.

The water district requested but not yet received a Sovereign Lands Construction Permit from the Department to install approximately 15 feet of water pipeline that will provide water to the Viking Lake State Park. The water district is now requesting a limited easement for the area the waterline occupies in order to have access to operate, inspect, maintain, repair, or remove the pipe. As part of the easement, the water district has agreed to maintain the water line and binds its successors and assigns to the same.

Motion was made by Commissioner Duncan to approve a limited easement to the Page 1 Regional Water District of Clarinda, Iowa to grant approximately 15 square feet of subsurface land at Viking Lake State Park to the water district for the purposes of running water pipes for the benefit of the Department. Seconded by Commissioner Francisco. Motion carried unanimously.

EASEMENT APPROVED

CONSERVATION AND RECREATION DONATIONS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission is asked to accept the following donations:

Parks Bureau:

1. Wayne Strovers donated used tire rims valued at \$60.00 to be used as fire rings at Stephens State Forest equestrian campgrounds.
2. Iowa Horse Council donated and delivered lime chips valued at \$350.00 for hitching rails in the equestrian campground at Stephens State Forest.
3. Chris Reeves completed an Eagle Scout project by constructing a 3x5 wooden enclosure standing on 4x4 posts with a shingled room to house a donated 27" television and combination VCR/DVD player at Red Haw State Park. The project was valued at \$829.60. This will allow the park to have weekend interpretive programs and educational videos.
4. Friends of Pine Lake donated fire-place screens and grates valued at \$2544.00 at Pine Lake State Park. The grates were custom-made heavy duty figure theme for each of four cabins and Pine Lodge.
5. Kelly Fairchild donated 2 park benches with base valued at \$800.00 in memory of Barb Fairchild to the Prairie Rose State Park.
6. Myrna Poldberg donated a park bench with base valued at \$500.00 in memory of Dale Poldberg to the Prairie Rose State Park.

Wildlife Bureau:

1. Andy Swanson donated ½ pound of Meadow blazing star seed valued at \$150.00 to the Prairie Seed Harvest Team.
2. Loren Lown donated 2 pounds of Wild petunia seed valued at \$300.00 to the Prairie Seed Harvest Team.

Law Enforcement Bureau:

1. Liberty Safes and the Johnson County Full Strut Chapter of the National Wild Turkey Federation donated two gun safes valued at \$2000.00 to the Law Enforcement Bureau. The safes will keep hunters education guns at the Hawkeye Wildlife Area. Each safe holds 20 guns and are equipped with electronic key pads for the ease of multiple users.
2. The Iowa Great Lakes Water Safety Council has donated three (3) Motorola EX600 multi-channel hand-held portable radios to be used by the three new Water Patrol Officers. The value of the radios is \$2970 and includes rechargeable batteries, charger, remote microphone and carrying case.
3. The Iowa Great Lakes Water Safety Council is donating \$25,620 to fund the summer 2006 Aquatic Invasive Species program for the Iowa Great Lakes. This funding is to pay the salary of three (3) Water Patrol Officers. Donations for this program were received from the Messengers of Healing Winds, Okoboji Protective Association, Alliant Energy Foundation, East Okoboji Lakes Improvement Corporation, Spirit Lake Protective Association, Conservation Foundation of Dickinson County, May Marine, Parks Marina, Bridgewater Boats and an individual donor.

Ken Herring reviewed the donations to the Conservation and Recreation Division. He specifically noted the donations made by the Iowa Great Lakes Water Safety Council.

Motion was made by Commissioner Francisco to accept the donations with thanks. Seconded by Commissioner Garst. Motion carried unanimously.

DONATIONS APPROVED

FINAL RULE—CHAPTER 52, WILDLIFE REFUGES

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve a final rule to amend Chapter 52, Wildlife Refuges. The amendment eliminates the Iowa River Corridor Wildlife Area in Iowa County from the list of wildlife refuges.

NATURAL RESOURCE COMMISSION [571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby adopts an amendment to Chapter 52, "Wildlife Refuges," Iowa Administrative Code.

This amendment removes the Iowa River Corridor Wildlife Area from the list of wildlife refuges.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 29, 2006, as ARC 5019B. A public hearing was held on April 18, 2006. No comments were received on the proposed amendment. There are no changes from the Notice of Intended Action.

This amendment is intended to implement Iowa Code sections 481A.5, 481A.6, 481A.8 and 481A.39.

This amendment shall become effective July 12, 2006.

The following amendment is adopted.

Amend subrule 52.1(2), paragraph "a," as follows:

a. Restrictions. The following areas under the jurisdiction of the department of natural resources are established as game refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, between the dates of September 10 and December 31 of each year, both dates inclusive, except that department personnel and law enforcement officials may enter the area at any time in

performance of their duties, and hunters, under the supervision of department staff, may enter when specifically authorized by the department of natural resources.

Area County

Lake Icaria	Adams
Pool Slough Wildlife Area	Allamakee
Rathbun Area	Appanoose
Wildlife Exhibit Area	Boone
Sweet Marsh	Bremer
Storm Lake Islands	Buena Vista
Big Marsh	Butler
South Twin Lake	Calhoun
Round Lake	Clay
Little River Recreation Area	Decatur
Allen Green Refuge	Des Moines
Henderson	Dickinson
Kattleson Area	Dickinson
Spring Run	Dickinson
Ingham Lake	Emmet
Forney Lake	Fremont
Riverton Area	Fremont
Dunbar Slough	Greene
Bays Branch	Guthrie
Iowa River Corridor Wildlife Area	Iowa
Green Island Area	Jackson
Hawkeye Wildlife Area	Johnson
Muskrat Slough	Jones
Colyn Area	Lucas
Red Rock Area	Marion, Polk, Warren
Badger Lake	Monona
Tieville/Decatur Bend	Monona
Five Island Lake	Palo Alto
Big Creek-Saylorville Complex	Polk
Chichaqua Area	Polk
Cottonwood Area	Polk
I-35 Area	Polk
Smith Area	Pottawattamie
Lake View Area	Sac
McCausland	Scott
Princeton Area	Scott
Prairie Rose Lake	Shelby
Otter Creek Marsh	Tama
Green Valley Lake	Union
Three Mile Lake	Union
Lake Sugema	Van Buren
Rice Lake Area	Winnebago

Snyder Lake Woodbury
 Elk Creek Marsh Worth
 Lake Cornelia Wright

 Date

 Jeffrey R. Vonk, Director

Motion was made by Commissioner Garst to approve Final Rule—Chapter 52, Wildlife Refuges. Seconded by Commissioner Francisco. Motion carried unanimously.

FINAL RULE APPROVED

PUBLIC PARTICIPATION

Jared Hill, Johnston, Iowa, representing Iowa Corn Growers Association, spoke regarding landowner/tenant hunting licenses. He said the ICGA believes hunting is a viable and important tool in controlling the deer population in Iowa and they recognize the valuable leadership the DNR and NRC have in managing Iowa's deer herd, and overseeing the hunting license process. He added that they also support the use of reduced-fee deer hunting licenses for landowners and tenants of agriculture property but that they oppose the proposed rule regarding landowner/tenant licenses in its current form.

Mr. Hill went on to say that DNR staff claims there are "thousands" of violations of the landowner/tenant license privilege every year but that any quantitative evidence supporting this claim has not been provided. He said they realize that some individuals take advantage of the privilege and violate the law but those individuals should be held accountable and to not punish the lawful people who properly obtain landowner/tenant hunting licenses. He added that to put the burden on them is unfair and inappropriate.

Mr. Hill said the "ICGA also strongly opposes the proposed requirement that tenants who participate in a USDA program have to provide their USDA FSA Form AD-1026A in order to prove eligibility for obtaining the reduced-fee license. This form is a confidential form generated by the Farm Service Agency (FSA) office that contains sensitive information about the farmer and the property the farmer rents. FSA does not make this form available to the general public, or even to other government agencies such as the Natural Resources Conservation Service. In fact, the form is only sent out to a farmer if the farmer requests it. It would go against the federal privacy protections and public policy for the DNR to require a form be submitted which a federal government agency considers confidential.

The solution to this problem is already within the framework of the proposed rule. For tenants who do not participate in a USDA program, the proposed rule would have a tenant submit an affidavit signed by the landowner stating they are indeed the tenant of the agriculture property. The affidavit must also have the landowner's home number on it; if the DNR questioned the validity of the affidavit, they would be able to check by calling the landowner. The affidavit option should be extended to all tenants who want a tenant deer hunting license".

Mr. Hill went on to say that the ICGA requests the NRC not approve the portion of the proposed rule that addresses landowner/tenant reduced-fee hunting licenses or at least strike the portion of the rule regarding the mandatory submission of confidential FSA forms.

Rick Robinson, representing Iowa Farm Bureau, spoke in opposition to Chapter 95, Game Harvest Reporting and Landowner-Tenant Registration rule. He said the proposed rule would require landowners and qualifying family members to provide their county number and taxpayer parcel identification number from their current property tax statement for one parcel of qualifying land that they own. It also requires tenants and their family members to provide a copy of their USDA Farm Services Agency (FSA) Form AD-1026A. Tenants that do not participate in USDA farm programs may submit an affidavit documenting that they rent agricultural land with the name, telephone number and signature of the owner included for verification. Mr. Robinson expressed concern that the proposal does not protect private farm program participation information for tenants and that the FSA 1026A forms have confidential personal and farm programs information that is protected by federal privacy laws.

Mr. Robinson related that the Governor and Iowa Legislature intent in SF 206 is contrary to the proposed rule. With regard to the department's concern with the growing number of landowner-tenant permits, Mr. Robinson noted that the percent of landowner-tenant permits as a percent of the total regular gun season permits is relatively constant over the last four years. He said that the number of farms declined during that same four-year period, but the number of farm operators is now larger than the number of farms, indicating that while the number of farms declined, the number of farm operators to tenants has increased. This indicates that there is not a disproportionate increase in the number of landowner-tenant permits issued by the department relative to the total number of regular gun permits.

Mr. Robinson asked that a legitimate number be provided that quantifies there is a problem regarding landowner-tenant licenses. He said that while there probably are abuses, it is good public policy to have that information based on good data. He also expressed a need for an educational campaign regarding the qualifications for the landowner tenant permit. Mr. Robinson offered that if DNR were to produce a brochure that speaks to this issue, the Farm Bureau would make it available to members.

In closing, Mr. Robinson said that the "proposed requirements do not address the DNR's concern for misuse of the landowner-tenant license. If there are problems with abuse of this hunting privilege, the DNR should cite those suspected of misusing the system and make them prove their eligibility. Don't put the burden on landowners and tenants who legally qualify. Better yet, work with our stakeholders to strengthen the penalties, if necessary."

Other comments made by Mr. Robinson included that the Farm Bureau supports allowing up to 72 hours to report harvest results and that more reporting methods should be used, including the option of a postcard survey.

The Final Rule for Chapter 95 was postponed until after the 10:30 public participation portion of the meeting.

FINAL RULE—CHAPTER 98, WILD TURKEY SPRING HUNTING

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to amend Chapter 98 – Wild Turkey Spring Hunting. The amendments remove zone restrictions and quotas on resident hunters and modify the daily bag limit.

NATURAL RESOURCE COMMISSION [571]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 98, “Wild Turkey Spring Hunting,” Iowa Administrative Code.

These rules give the regulations for hunting wild turkey during the spring and include season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements. The amendments eliminate resident spring turkey hunting zones and license quotas, change the daily bag limit, require reporting of harvested turkeys through the harvest reporting system, require landowners and tenants to preregister to obtain free turkey hunting licenses, and clarify the rules for tagging turkeys by resident and nonresident hunters.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 29, 2006, as ARC 5021B. A public hearing was held on April 18, 2006. Thirteen comments were received on the proposed amendments -- 6 were in favor of all proposals, 6 were against eliminating the zones, one was against increasing the daily bag limit, and one wanted a longer youth season. The only change from the Notice of Intended Action was to include new language that clarifies the rules for tagging turkeys by residents and nonresidents.

These amendments are intended to implement Iowa Code sections 483A.38, 483A.39, 483A.48 and 483A.7.

The following amendments are proposed.

ITEM 1. Amend rule 571--98.1(483A) as follows:

571—98.1(483A) General. Wild turkey may be taken during the spring season subject to the following:

98.1(1) License. ~~All~~ When hunting wild turkey, all hunters must have in possession a wild turkey spring hunting license valid for the current year, the unused transportation tag issued with that license, a hunting license, and evidence of having paid the habitat fee (if normally required to have a hunting license and pay the habitat fee to hunt) ~~when hunting wild turkey~~. No one, while hunting wild turkey, shall carry or have in possession any license or transportation tag issued to another hunter. No one who is issued a wild turkey license and transportation tag shall allow another person to use or possess that license or transportation tag while turkey hunting or tagging a turkey. A hunter having a license valid for one of the spring turkey seasons may accompany, call for, or otherwise assist any other hunter who has a valid turkey hunting license for any of the spring seasons ~~in any zone~~. The hunter who is assisting may not shoot a turkey or carry a firearm or bow unless the hunter has a valid license with an unused tag for the current

season and zone. If a turkey is taken, it must be tagged with the tag issued to the hunter who shot the turkey.

a. Two types of licenses will be issued.

(1) Combination shotgun-or-archery license. Combination shotgun-or-archery licenses shall be issued by ~~zone and~~ season and shall be valid statewide in the ~~designated zone and for the~~ designated season only.

(2) Archery-only license. Archery-only licenses shall be valid statewide and shall be valid during all seasons open for spring turkey hunting, except the youth season.

b. Number of licenses. No one may apply for or obtain more than two paid spring wild turkey hunting licenses. A hunter may obtain no more than two combination shotgun-or-archery licenses, or two archery-only licenses, or one of each. If two paid combination shotgun-or-archery licenses are obtained, at least one must be for season 4 ~~in any zone~~. If one paid combination shotgun-or-archery license and one archery-only license are obtained, the combination shotgun-or-archery license must be for season 4 ~~in any zone~~.

98.1(2) Daily bag and possession ~~limits~~ limit. ~~Daily bag limit, Season possession limit, including daily bag limit, is one bearded (or male) wild turkey. Possession limit and season limit, is one bearded (or male) wild turkey per license.~~

98.1(3) Shooting hours. Shooting hours shall be from one-half hour before sunrise to sunset.

ITEM 2. Amend rule 571--98.3(483A) as follows:

571—98.3(483A) Procedures to obtain licenses. All spring wild turkey hunting licenses will be sold ~~or may be applied for~~ using the electronic licensing system for Iowa (ELSI). Licenses ~~and license applications~~ may be purchased through ELSI license agents, by calling the ELSI telephone ordering system, or through the ELSI Internet license sales Web site.

98.3(1) Spring wild turkey hunting licenses will be sold beginning December 15 through the last day of the season for which the license is valid, ~~or until quotas (if any) are filled, whichever occurs first. No one may obtain more than one limited quota license.~~

98.3(2) License quotas. ~~Separate quotas will be established for each license type. There will be no quotas for combination shotgun-or-archery licenses or for archery-only licenses for resident hunters.~~

a. ~~Combination shotgun or archery licenses. A limited number of combination shotgun or archery hunting licenses will be issued for each season in Zones 1, 2 and 3. There shall be no limit on combination shotgun or archery licenses in any season in Zone 4. The same quota shall apply to Zones 1, 2 and 3 in all four seasons. The maximum number of combination shotgun or archery licenses that will be issued in each zone for each season is as follows:~~

~~(1) Zone 1. 65.~~

~~(2) Zone 2. 125.~~

~~(3) Zone 3. 80.~~

~~(4) Zone 4. No limit.~~

b. ~~Archery-only licenses. The number of archery-only licenses shall not be limited.~~

98.3(3) Landowner/tenant licenses. An eligible landowner or tenant may obtain a free combination shotgun-or-archery license or a free archery-only license. Nonresident landowners are not eligible for free turkey hunting licenses.

a. Free combination shotgun-or-archery licenses. A free combination shotgun-or-archery license will be issued by season and will be valid only on the farm unit of the landowner or tenant.

b. Free archery-only licenses. A free archery-only license will be valid for all seasons but only on the farm unit of the landowner or tenant.

c. Number of licenses. One paid combination shotgun-or-archery license or one paid archery-only license may be obtained in addition to the free shotgun-or-archery license or the free archery-only license. If a free archery-only license and a paid combination shotgun-or-archery license are obtained, the shotgun-or-archery license must be for season 4 ~~in any zone~~. If a free shotgun-or-archery license and a paid ~~archery-only~~ shotgun-or-archery license are obtained, ~~the free license must be for season 4~~ one of the licenses must be for season 4.

ITEM 3. Amend rule 571—98.4(481A) as follows:

571—98.4(481A) Transportation tag. Immediately upon ~~the~~ killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of the turkey. The turkey must be tagged by the hunter who shot the turkey with the transportation tag issued to that hunter. No one may tag a turkey with a transportation tag issued to another hunter. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The leg that bears the tag must be attached to the carcass of any wild turkey being transported within the state during any wild turkey spring hunting season. The tag shall be proof of possession of the carcass by the above mentioned licensee.

ITEM 4. Adopt new subrule 98.5(8) as follows:

98.5(8) Registration of landowners and tenants. Landowners and tenants and their eligible family members who want to obtain free spring wild turkey hunting licenses must register with DNR before the free licenses will be issued. Procedures for registering are described in 571—95.2(481A).

ITEM 5. Amend subrule 98.6(1) as follows:

98.6(1) Licenses. A special youth spring wild turkey hunting license valid statewide may be issued to any Iowa resident who is 15 years old or younger on the date the youth purchases the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free license for which the youth's family is eligible. Each participating youth must be accompanied by an adult who possesses a valid wild turkey spring hunting license for one of the seasons and a hunting license, and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). The accompanying adult must not possess a firearm or bow and must be in the direct company of the youth at all times. A person may obtain only one youth turkey hunting license but may also obtain one ~~wild turkey spring hunting~~ archery-only license or one combination shotgun-or-archery license for season 4 ~~in any zone~~.

ITEM 6. Adopt new rule 571--98.7(481A) as follows:

571--98.7(481A) Harvest reporting. Each hunter who bags a turkey must report that kill according to procedures described in 571--95.1(481A).

ITEM 7. Amend subrule 98.9(1) as follows as follows:

98.9(1) License. When hunting wild turkey, all hunters must have in possession a valid nonresident wild turkey spring hunting license, the unused transportation tag issued with that license, a valid nonresident hunting license, and proof of having paid the current year's habitat fee. No one, while hunting turkey, shall carry or have in possession any license or transportation tag issued to another hunter. No one who is issued a wild turkey license and transportation tag shall allow another person to possess that license or transportation tag while turkey hunting or to tag a turkey. Licenses will be issued by zone and season and will be valid in the designated zone and season only. No one shall obtain more than one nonresident wild turkey spring hunting license. A hunter having a license valid for one of the spring turkey seasons may accompany, call for, or otherwise assist any other hunter who has a valid turkey hunting license in that season and zone. The hunter who is assisting may not shoot a turkey or carry a firearm or bow unless that hunter has a valid license with an unused tag for the current season and zone. Two types of licenses will be issued:

a. Combination shotgun-or-archery license. Shotguns, muzzleloading shotguns and archery equipment as defined in subrule 98.12(1) may be used.

b. Muzzleloading shotgun-only license. Only muzzleloading shotguns as defined in subrule 98.12(1) may be used.

ITEM 8. Amend subrule 98.14(1) as follows:

98.14(1) Transportation tag. Immediately upon ~~the~~ killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of the turkey. The turkey must be tagged by the hunter who shot the turkey and with the transportation tag issued to that hunter. No one may tag a turkey with a transportation tag issued to another hunter. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The leg that bears the tag must be attached to the carcass of any wild turkey being transported within the state during any wild turkey spring hunting season. The tag shall be proof of possession of the carcass by the above-mentioned licensee.

ITEM 9. Adopt **new** rule 571--98.15(481A) as follows:

571--98.15(481A) Harvest reporting. Each hunter who bags a turkey must report that kill according to procedures described in 571--95.1(481A).

Date

Jeffrey R. Vonk, Director

Ken Herring specifically noted the comments received during the public comment period for this rule.

Motion was made by Commissioner Garst to approve Final Rule—Chapter 98, Wild Turkey Spring Hunting. Seconded by Commissioner Francisco. Motion carried unanimously.

FINAL RULE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 99, WILD TURKEY FALL HUNTING BY RESIDENTS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve a Notice of Intended Action to amend Chapter 99 – Wild Turkey Fall Hunting by Residents. The amendments require mandatory harvest reporting, landowner registration, and modify the tagging procedures.

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 99, “Wild Turkey Fall Hunting by Residents,” Iowa Administrative Code.

The amendments require hunters that harvest a turkey to report their kill, require landowners and tenants to pre-register before obtaining free wild turkey licenses, and clarify tagging requirements.

Any interested person may make written suggestions or comments on the proposed amendments on or before June 27, 2006. Written comments may be directed to the Wildlife Bureau's website at www.iowadnr.com or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515) 281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515) 281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

Also, a public hearing will be held in the Fourth Floor West Conference room of the Wallace State Office Building on June 27, 2006. At the hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The following amendments are proposed.

ITEM 1. Amend rule 571--99.8(481A) as follows:

571—99.1(481A) General. When hunting wild turkey, all hunters must have in ~~their~~ possession a ~~valid~~ fall wild turkey hunting license valid for the current year, the unused transportation tag issued with that license, and a valid resident hunting license, and must have evidence of having paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person shall carry or have in possession a fall wild turkey hunting license or transportation tag issued to another person while hunting wild turkey. No one who is issued a wild turkey license and transportation tag shall allow another person to use or possess that license or transportation tag while turkey hunting or to tag a turkey.

ITEM 2. Amend rule 571—99.10(481A) as follows:

571—99.10(481A) Transportation tag. Immediately upon ~~the~~ killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of the turkey. The turkey must be tagged by the hunter who shot the turkey and with the transportation tag issued to that hunter. No one may tag a turkey with a transportation tag issued to another hunter. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The leg that bears the tag must be attached to the carcass of any wild turkey being transported within the state during any wild turkey spring hunting season. The tag shall be proof of possession of the carcass by the above-mentioned licensee.

ITEM 3. Adopt new subrule 99.11(8) as follows:

99.11(8) Registration of landowners and tenants. Landowners and tenants and their eligible family member that want to obtain free fall wild turkey hunting licenses must register with DNR before the free licenses will be issued. Procedures for registering are described in 571--95(481A).

ITEM 4. Adopt new rule 571—99.12(481A) as follows:

571—99.12(481A) Harvest reporting. Each hunter who bags a turkey must report that kill according to procedures described in 571--95.2(481A).

Date

Jeffrey R. Vonk, Director

Ken Herring reviewed the proposed changes to the rule.

Motion was made by Commissioner Duncan to approve Notice of Intended Action—Chapter 99, Wild Turkey Fall Hunting. Seconded by Commissioner Francisco. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 105, DEER POPULATION MANAGEMENT

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve a Notice of Intended Action to amend Chapter 105, Deer Population Management Zones. The amendment provides a penalty for failing to follow hunting regulations in a deer population management zone.

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 105, "Deer Population Management Zones," Iowa Administrative Code.

Chapter 105 gives the regulations for hunting deer in deer population management zones. This amendment provides a penalty for failing to obey hunting zone regulations.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 27, 2006. Comments may be made by visiting the Department's website at www.iowadnr.com/wildlife or by writing to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-6156 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on June 27, 2006, in the Fourth Floor West Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should inform the Department of Natural Resources of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

The following amendment is proposed.

Adopt **new** subrule 105.3(6) and renumber old subrule 105.3(6) as 105.3(7):
105.3(6). Penalty for violating regulations. Hunters that violate the hunting regulations in a deer population management zone may forfeit their license for the remainder of the hunt and may forfeit their right to participate in a future year in addition to any legal penalties that may be imposed.

Date

Jeffrey R. Vonk, Director

Ken Herring reviewed the proposed changes to the rule.

Motion was made by Commissioner Marcantonio to approve Notice of Intended Action—Chapter 105, Deer Populations Management Zones. Seconded by Commissioner Garst. Motion carried unanimously.

NOTICE APPROVED

FINAL RULE—CHAPTER 107, RABBIT AND SQUIRREL HUNTING

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve a final rule to amend Chapter 107, Rabbit and Squirrel Hunting. The amendment reduces the daily bag and possession limit for jackrabbits.

NATURAL RESOURCE COMMISSION [571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 107, "Rabbit and Squirrel Hunting," Iowa Administrative Code.

This amendment reduces the bag limit for white-tailed jackrabbits from two daily and four in possession to one daily and two in possession.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 29, 2006, as ARC 5016B. A public hearing was held on April 18, 2006. No comments were received on the proposed amendment. There are no changes from the Notice of Intended Action.

This amendment is intended to implement Iowa Code sections 481A.5, 481A.6, 481A.8 and 481A.39.

The following amendment is adopted.

Amend rule 571--107.2(481A) as follows:

571—107.2(481A) Jackrabbit season. Open season for hunting jackrabbits shall be from the last Saturday in October through December 1 of each year. Bag limit shall be 2 1 per day; possession limit 4 2. Legal hunting hours shall be from sunrise to sunset. Entire state open.

Date

Jeffrey R. Vonk, Director

Motion was made by Commissioner Garst to approve Final Rule—Chapter 107, Rabbit and Squirrel Hunting. Seconded by Commissioner Marcantonio. Motion carried unanimously.

FINAL RULE APPROVED

FINAL RULE—CHAPTER 108, FURBEARER TRAPPING SEASONS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to adopt a final rule to amend Chapter 108 - Furbearer Trapping Seasons. The amendments remove the river otter from the list of furbearers with a continuous closed season and establish parameters for a river otter trapping season.

NATURAL RESOURCE COMMISSION [571]
Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 108, "Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red And Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf And Spotted Skunk Seasons,: Iowa Administrative Code.

These amendments add a new trapping season for river otters.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 29, 2006, as ARC 5017B. A public hearing was held on April 18, 2006. Twenty-four comments were received during the comment period. Fifteen individuals were in favor of the proposal, but one thought the grace period should be 24 hours, one thought the 2 otter season limit was unnecessary, one thought there should be quotas by county, and one wanted to allow tagging of otters after they are skinned. Eight individuals opposed the season; one of these thought all trapping should be banned. The only changes from the Notice of Intended Action were editorial modifications to clarify the meaning of some rules. No changes affected the content of the rules.

These amendments are intended to implement Iowa Code sections 481A.5, 481A.6, 481A.8 and 481A.39.

The following amendments are adopted.

ITEM 1. Amend rule 571--108.6(481A) as follows:

571—108.6(481A) ~~River otter, bobcat~~ Bobcat, gray (timber) wolf, and spotted skunk.
Continuous closed season.

ITEM 2. Adopt the following **new** rule 571--108.7(481A):

571--108.7(481A) River otter trapping.

108.7(1) License requirements. Each person that traps river otters must have a valid furharvesters license and pay the habitat fee if normally required to have them to trap.

108.7(2) Areas open to trapping. Trapping for river otters will be open statewide.

108.7(3) Quotas and Seasonal bag limit.

a. Seasonal bag limits. The seasonal bag limit is 2 river otters per trapper.

b. Quotas. The quota for the number of river otters that may be taken is 400 statewide. The season will end when the number of river otters trapped, as determined by the harvest reporting system, reaches 400. Trappers will be allowed a 72-hour grace period after the quota is reached to clear their traps of river otters. River otters found in traps during the grace period may be kept even though the quota is exceeded, as long as the trapper has not reached his or her personal bag limit. River otters trapped after the grace period or in excess of the seasonal bag limit must be turned over to the department; the trapper will not be penalized.

108.7(4) Season dates. The season for trapping river otters will open on the same date as the trapping seasons described in 571--108.1(481A) and close when the quota has been reached, as explained in this rule, or January 31 of the following year, whichever occurs first.

108.7(5) Reporting requirements. Trappers who bag a river otter, including landowners and tenants not required to have a furharvester license, must report their harvest to a DNR conservation officer within 24 hours. The trapper must arrange to receive a CITES tag or Iowa River Otter Harvest Tag from the officer within 72 hours of the time it is reported or before the river otter is skinned, whichever first occurs.

a. Conservation officer reporting. Upon receiving a telephone report from a trapper that a river otter has been legally taken, conservation officers will call the department's harvest reporting system. The number of river otters taken will be updated daily and a message recorded on the department's telephone system. The number taken will be available 24 hours a day. Trappers may check the message daily to determine when the season closes and the grace period begins and ends. The department will use all practical means to publicize these dates.

108.7(6) Tagging requirements. Every river otter that may legally be kept by a trapper must have a CITES or Iowa River Otter Harvest Tag attached. Tags will be supplied by the conservation officer. The tag must remain with the pelt until the pelt is sold or used for other purposes that renders it no longer available for sale. Persons displaying river otters as taxidermy mounts or other decorative items must keep the tag in their possession as proof of legal harvest.

ITEM 3. Adopt the following new rule 571--108.8(481A):

571--108.8(481A) Accidental capture of a river otter or bobcat during a closed season. Persons that accidentally capture a river otter or bobcat during a closed season or after the person's individual bag limit has been reached will not be penalized as long as the following circumstances occur:

108.8(1) The river otter or bobcat is captured during a legal trapping season or as part of a legal depredation control process.

108.8(2) A conservation officer is contacted within 24 hours and the river otter or bobcat and all parts thereof are turned over to a conservation officer as soon as practical.

Date

Jeffrey R. Vonk, Director

The changes to the rule were reviewed and the comments made during public participation on the rule were specifically noted.

Motion was made by Commissioner Francisco to approve Final Rule—Chapter 108, Furbearer Trapping Seasons. Seconded by Commissioner Duncan.

Commissioner Francisco commended the department for their management success, resulting in this new season being set.

FINAL RULE APPROVED

FINAL RULE--CHAPTER 82, COMMERCIAL FISHING

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Approval is requested to amend Chapter 82, Commercial Fishing. The proposed amendments are directed at conserving the shovelnose sturgeon and include establishment of size harvest and season restrictions along with a requirement to leave fish intact until the fish reach the final processing facility. Over exploitation of traditional sources of the world supply of caviar has driven up the recent demand for shovelnose sturgeon roe or eggs. Mississippi River fisheries resource managers are concerned about the species ability to sustain viable populations against unchecked harvest rates. The first reported harvest of sturgeon roe by licensed commercial fishers occurred in 2004 with a reported harvest of 3,152 pounds valued raw at \$126,000 (\$40/lb). The 2005 reported harvest was 3,518 pounds valued at \$158,000 (\$45/lb).

Twenty public attended the hearings. Comments were received from 11 public. Most of the people acknowledged that something had to be done. Comments ranged from full support of the proposed rules to one individual who questioned the need for regulation of any kind since sturgeon is not a game fish. Some suggested limiting nonresidents or the amount of gear. Others spoke in favor of a summer open season.

No changes from the Notice are recommended. Illinois is not going to be able to proceed with the original agreed to size limit and season recommendations. Their harvest season will be one month longer than in Iowa and their harvest size will be 24 to 32 inches. Shovelnose sturgeon are slow growing late maturing fish which spawn every three years rather than annually like most species. Population data we have indicates that we are currently harvesting fish faster than they are able to replace themselves. The goal is to conserve the species in such a way so as to sustain a commercial fishery into the future rather than provide a boom and bust fishery leading to closure.

**NATURAL RESOURCE COMMISSION [571]
Adopted and Filed**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 82 "Commercial Fishing," Iowa Administrative Code.

The proposed amendments provide for three changes in shovelnose sturgeon rules on the Mississippi River: (1) establish size limit harvest restrictions; (2) establish a harvest season from October 15 through May 15; and (3) specify that all eggs or roe must remain intact with shovelnose sturgeon while the commercial fisher is on the water.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 1, 2006, as ARC 4922B. Public hearings were held on March 28th, 29th, and 30th, 2006. There are no changes from the notice.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 482.1.

These amendments will become effective July 12, 2006.

The following amendments are proposed:

ITEM 1. Amend subrule 82.2(2) as follows:

82.2(2) Size limits. ~~The minimum length limit for all catfish is 15 inches. Catfish less than 15 inches shall be returned unharmed to the water.~~ Fish less than a minimum length or longer than maximum length shall be returned to the water unharmed. The minimum total length for all catfish is 15 inches. The minimum fork length for shovelnose sturgeon is 27 inches. No shovelnose sturgeon longer than 34 inches fork length may be harvested from waters of the Mississippi River bordering Wisconsin.

ITEM 2. Amend rule 571—82.2(482) by adopting the following new subrules:

82.2(8) Seasons. There is a continuous open season for commercial fishing of all species listed in 82.2(1) except there is a closed season for shovelnose sturgeon from May 16 through October 14.

82.2(9) Special shovelnose regulations. Shovelnose sturgeon must remain intact until the fish reaches the final processing facility or business. For the purposes of this section, final processing facility does not include vessels or vehicles.

Date

Jeffrey R. Vonk, Director

Marion Conover reviewed the changes and the reasons for those the changes to the rule.

Motion was made by Commissioner Duncan to approve Final Rule—Chapter 82, Commercial Fishing. Seconded by Commissioner Francisco. Motion carried unanimously.

FINAL RULE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 61, STATE PARKS AND RECREATION AREAS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Commission approval is requested for publication of a Notice of Intended Action to amend Chapter 61, "State Parks and Recreation Areas". The amendment establishes cabin rental fees for the cabins at Waubonsie State Park. The cabins are part of the newly acquired WaShawtee property which previously operated as a girl scout camp. There will be four, two-bedroom modern cabins; one, one-bedroom modern cabin; two, two-bedroom camping cabins; one, one-bedroom camping cabin; and one camping cabin with two rooms and an enclosed breezeway between them.

NATURAL RESOURCE COMMISSION [571] Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 61, "State Parks and Recreation Areas," Iowa Administrative Code.

This amendment establishes rental fees for new cabins at Waubonsie State Park. The cabins are part of the newly acquired WaShawtee property, which had been operated as a girl scout camp.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 27, 2006. Such written materials should be directed to the State Parks Bureau, Department of Natural Resources, 502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)242-6233 or TDD (515)242-5967 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing June 27, 2006 at 1 p.m. in the Fourth Floor East Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend a public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 461A.3, 461A.3A, 461A.35, 461A.47, and 461A.57.

The following amendment is proposed.

Amend subrule 61.5(1), paragraph "a," as follows:

a. Cabin rental. This fee does not include tax. Tax will be calculated at time of final payment.

	<u>Per Night*</u>	<u>Per Week</u>
Backbone State Park, Delaware County		
Renovated modern cabins	\$ 50	\$300
Two-bedroom modern cabins	85	510
Deluxe cabins	100	600
Black Hawk, Sac County	100	600
Brushy Creek State Recreation Area, Webster County		
Nonequestrian camping cabins	35	210

Equestrian camping cabins	40	240
Dolliver Memorial State Park, Webster County	35	210
Green Valley State Park, Union County	35	210
Honey Creek State Park, Appanoose County	35	210
Lacey-Keosauqua State Park, Van Buren County	50	300
Lake Darling State Park, Washington County	35	210
Lake of Three Fires State Park, Taylor County	50	300
Lake Wapello State Park, Davis County (Cabin Nos. 1-12)	60	360
Lake Wapello State Park, Davis County (Cabin No. 13)	85	510
Lake Wapello State Park, Davis County (Cabin No. 14)	75	450
Palisades-Kepler State Park, Linn County	50	300
Pine Lake State Park, Hardin County		
Studio cabins (four-person occupancy limit)	65	390
One-bedroom cabins	75	450
Pleasant Creek State Recreation Area, Linn County	25	150
Springbrook State Park, Guthrie County	35	210
Stone State Park, Woodbury County	35	210
Waubonsie State Park, Fremont County		
Two-bedroom modern cabins	85	510
One-bedroom modern cabin	60	360
Two-bedroom camping cabins	50	300
One-bedroom camping cabin	35	210
Camping cabin	25	150
Wilson Island State Recreation Area, Pottawattamie County	25	150
Extra cots, where available	1	
*Minimum two nights		

Date

Jeffrey R. Vonk, Director

Ken Herring reviewed that the rule change establishes rental fees for new cabins at Waubonsie State Park.

Motion was made by Commissioner Francisco to approve Notice of Intended Action—Chapter 61, State Parks and Recreation Areas. Seconded by Commissioner Marcantonio. Motion carried unanimously.

NOTICE APPROVED

LAND AND WATER CONSERVATION FUND—CITY AND COUNTY GRANTS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The State of Iowa will receive an apportionment from the federal Land and Water Conservation Fund again this year. This year, Congress intends to appropriate \$27,994,976.00 nationally, resulting in an Iowa apportionment of \$369,757.72. One half of Iowa's apportionment, \$184,878.86, is made available to cities and counties for outdoor recreation acquisition and development projects.

A total of 21 applications were received by the March 15, 2006 deadline. Grant requests for the 21 applications totaled \$1,323,634.00. A five-member committee reviewed the 21 applications and scored/ranked them based on the following criteria:

Relationship to SCORP Priorities (Statewide Comprehensive Outdoor Recreation Plan)
 Direct Recreation Benefits Provided
 Local Need
 Quality of the Site

Additional bonus points and penalty points are also included in the scoring system. They are based on such things as level of prior assistance from the LWCF; special features for the elderly and handicapped; minority populations served; degree of public participation and support; recycled content material use; and level of planning that has preceded the application for a LWCF grant.

Commission approval is requested for the ranking of all applications as determined by the Project Review and Selection Committee. The Project Review and Selection Committee recommends that the first three projects on the list be funded at the level of their request and that the fourth project listed be offered partial funding in the amount of \$32,478.86. If the City of Garner is unable to complete their project with this reduced level of funding, the remaining funds will be offered to successive projects in rank order.

Rank	2006 FINALS - Applicant	Project Description	Grant Request	Total Cost	Score (Avg.)	Grant Award
1	City of Rockwell City	Kids' Kingdom Community Built Playground	\$ 40,000.00	\$ 124,899.00	79.00	\$ 40,000.00
2	City of Dexter	City Park Multi-Purpose Recreation Project - Phase I	\$ 28,000.00	\$ 151,465.00	66.40	\$ 28,000.00
3	Black Hawk County Conservation Board	Big Woods Lake Campground - Phase I	\$ 84,400.00	\$ 168,800.00	66.20	\$ 84,400.00
4	City of Garner	Garner Municipal Aquatic Center	\$ 75,000.00	\$2,913,000.00	62.40	\$ 32,478.86
5	City of Melbourne	Melbourne Swimming Pool	\$ 50,000.00	\$ 70,348.00	61.60	\$0.00
6	City of Clear Lake	Clear Lake Aquatic Center Project - Phase Two	\$ 36,091.00	\$1,435,500.00	61.40	\$0.00
7	City of Manly	Manly Family Aquatic Center	\$ 75,000.00	\$1,403,300.00	61.20	\$0.00
8	Clay County Conservation Board	Scharnberg Park Playground	\$ 17,500.00	\$ 35,000.00	61.20	\$0.00
9	City of Rolfe	City of Rolfe Trailhead Park	\$ 93,222.00	\$ 124,296.00	59.80	\$0.00

10	City of Allison	Wilder Park Campground Improvements	\$ 43,151.00	\$ 86,302.00	59.80	\$0.00
11	Des Moines County	County Recreational Trail Development - Right-of-Way Acquisition	\$ 100,000.00	\$2,000,000.00	59.60	\$0.00
12	Cherokee County Conservation Board	Silver Sioux Recreation Area Revitalization	\$ 116,370.00	\$ 232,741.00	59.40	\$0.00
13	City of Creston	McKinley Park Revitalizations	\$ 28,000.00	\$ 202,192.00	58.60	\$0.00
14	Mitchell County Conservation Board	Cedar Bridge Park and Campground	\$ 60,000.00	\$ 120,000.00	57.20	\$0.00
15	City of Carroll	Carroll Skate Park	\$ 40,000.00	\$ 225,000.00	56.40	\$0.00
16	Carroll County Conservation	Riverside Park Renovation	\$ 19,500.00	\$ 39,000.00	55.80	\$0.00
17	Dallas County Conservation Board	Big Bend Wildlife Area (Hurst Parcel)	\$ 150,000.00	\$ 412,288.00	53.80	\$0.00
18	City of Clinton	Eagle Point Park North Loop Playground Renovation	\$ 150,000.00	\$ 300,255.00	53.60	\$0.00
19	Newton Park Commission	Public Skate Park Facility	\$ 40,000.00	\$ 80,000.00	52.80	\$0.00
20	City of Eagle Grove	Eagle Grove Aquatic Center	\$ 75,000.00	\$2,995,066.00	47.40	\$0.00
21	City of Rock Rapids	Skatepark Improvements	\$ 2,400.00	\$ 4,866.00	46.80	\$0.00

\$ 184,878.86

Ken Herring briefly reviewed the funding for Land and Water Conservation Fund for City and County Grants.

Motion was made by Commissioner Francisco to approve the recommendation of the Project Review and Selection Committee to fund the first three top ranked projects on the list and that the remaining funds be offered to partially fund the fourth project. Seconded by Commissioner Marcantonio. Motion carried unanimously.

GRANTS APPROVED

WATER TRAIL GRANT APPLICATIONS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Iowa DNR Water Trails program was developed to support linear, on-water trail projects on waterways throughout Iowa. The fiscal year 2007 awards, determined by scoring committee members including two DNR staff and two citizens, are as attached:

Fiscal Year 2007 Iowa DNR Water Trail Grant Applications

Total miles of water trail developed: 355

Total awarded: \$50,000

Total amount to be leveraged: \$58,011

Project: North Raccoon River Water Trail

Applicant: Green County Conservation Board

Attn: Dan Towers, 114 North Chestnut Street, Jefferson, IA 50129

Amount: \$12,215

Description: This 160-mile-long project, coordinated by the Greene County Conservation Board, emphasizes improved wayfinding signage, locator signs, safety signs, and two trail guide brochures. It solves the problem of awareness about the river and lack of knowledge about accesses.

Project: Buchanan County Wapsipinicon River Water Trail

Applicant: Northeast Iowa RC&D

Attn: Paul Berland, 101 East Green/PO Box 916L, Postville, IA 52162

Amount: \$10,900

Description: This project brings a water trail to the floodplain wetlands and steep bluffs of the Wapsipinicon River, and will highlight the excellent walleye and smallmouth bass fishery. The project focuses on signs, especially safety signs at several low-head dams, with future consideration given to real problems.

Project: Yellow River Water Trail

Applicant: Northeast Iowa RC&D

Paul Berland, 101 East Green/PO Box 916, Postville, IA 52162

Amount: \$10,500

Description: This project integrates with numerous successful watershed and land acquisition efforts, and capitalizes on improvements of the cold-water fishery in recent years. There are also strong connections with rural economic growth. It gives the new water trails program reason to develop standards for high-quality, low-impact remote river camp sites in the Yellow River State Forest. The state system of water trail signage will be used.

Project: Upper Iowa River Water Trail

Applicant: Winneshiek County Conservation Board

Dave Oestmann, 2546 Lake Meyer Road, Fort Atkinson, IA 52144

Amount: \$6,194

Description: On Iowa's most popular recreational river, known for its 200-foot limestone cliffs, clear water, and cold springs, the Upper Iowa River will be flagship of the water trails system. Funding will be used primarily for state water trails signage on 121.7 miles of river from Chester to Highway 26 bridge in Allamakee County.

Project: Modifications to Low-Head Dam, Story City

Applicant: City of Story City

Carol Williams, Special Projects Ranger, Story CCB, 56461 180th Street, Ames, IA 50010-9451

Amount: \$11,181

Description: This project will reduce safety problems at a low-head dam and allow safer passage for canoeists and kayakers. The modification includes a field stone ramp installed below the existing structure. Part of the funding includes \$990 from FY2006 dollars remaining, and this is a partial award for a total request of \$26,660.

INFORMATION ITEM

CITY OF DUBUQUE 28E AGREEMENT

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Approval is requested for the Department of Natural Resources to enter into a 28E agreement with the City of Dubuque (City) so it can receive a \$100,000 Tier 1 Boating Infrastructure Grant (BIG). This grant program is administered by the U S Fish & Wildlife Service. The Tier 1 BIG program gives the DNR, as grantee, the authority to extend grant money to third parties that have eligible projects. The grant money is available according to a cost share of 75% federal money and 25% local money. The agreement makes the City responsible for the 25% local money.

The BIG program provides funding to construct, renovate and maintain tie-up facilities with features for transient boaters. A transient boat is a vessel 26 feet or more in length that moors at any one place 10 days or less. The City will use the grant money to construct eight transient slips in Ice Harbor, adjacent to the Mississippi River.

Commission approval will only make the federal grant money available to the City; the City is responsible for project design and construction oversight.

We recommend that the Department enter into a 28E contract agreement with the City of Dubuque.

Motion was made by Commissioner Marcantonio to enter into a 28E agreement with the City of Dubuque so it can receive a \$100,000 Tier 1 Boating Infrastructure Federal Grant. Seconded by Commissioner Garst. Motion carried unanimously.

28E AGREEMENT APPROVED**BIG WALL LAKE/WRIGHT COUNTY 28E AGREEMENT**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission's approval is requested to enter into a 28E agreement with the Wright County Board of Supervisors as the trustees of Drainage District 223. The agreement will allow the Department to outlet water into Drainage District 223 for a minimal drainage district assessment.

The Department's Wildlife Bureau will be constructing a new outlet and water control structure for Big Wall Lake. The new outlet ditch and subsurface tile will empty into Drainage District 223, which is located about one-half mile south of Big Wall Lake. These new developments will significantly improve water-level management capabilities on Big Wall Lake for the Department. Because the water will drain into Drainage District 223, Big Wall Lake would be subject to annexation by the drainage district.

The Department approached the Wright County Board of Supervisors, as trustees of Drainage District 223, and proposed an agreement that would account for the Department's use of the drainage district's ditch but that would limit the amount the Department would have to pay the district and prevent the annexation of Big Wall Lake as long as the agreement is effective. The Wright County Board of Supervisors accepted that proposal, as articulated in a resolution at a regular meeting on April 24, 2006.

Motion was made by Commissioner Duncan to approve entering into a 28E agreement with the Wright County Board of Supervisors as the trustees of Drainage District 223 in order to allow the Department to outlet water into Drainage District 223 for a minimal drainage district assessment. Seconded by Commissioner Marcantonio. Motion carried unanimously.

28E AGREEMENT APPROVED

FOREST HERITAGE CENTER 28E AGREEMENT

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

A strong and active nonprofit organization, the Iowa Forest Heritage Center Foundation has been working diligently for the past three years, planning and designing a center dedicated to promoting the importance of forests to the environment and economy. The estimated cost of the original consultant concept was \$10 million dollars for a 21,000 square foot center and site amenities. The Foundation is currently hiring an architectural/engineering firm to prepare more details plans, specifications and refined cost estimates. They will be responsible for raising all of the funds necessary for the design and construction of the center.

This 28E agreement is between the Department of Natural Resources and the Iowa Forest Heritage Center Foundation to work cooperatively for the design, planning and fund raising of the forest heritage center that will be built on site in Lacey Keosauqua State Park. The original site selected was in the park overlooking the Des Moines River but was relocated due to archeological site sensitivity. The current site, in the southern portion of the park across from Lake Sugema, has received archaeological clearance. Future addendums will be made to this agreement to address the construction, management and maintenance of this facility.

Motion was made by Commissioner Francisco to approve a 28E agreement between the Department of Natural Resources and the Iowa Forest Heritage Center Foundation to work cooperatively for the design, planning and fund raising of the forest heritage center that will be built on site in Lacey Keosauqua State Park. Seconded by Commissioner Garst. Motion carried unanimously.

28E AGREEMENT APPROVED

CONCESSION CONTRACTS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Notice of concession availability was published in the Des Moines Register Sunday Business Opportunities section on January 15, 2006 for Lake Wapello State Park, Pleasant Creek State Recreation Area, Rock Creek State Park, and Viking Lake State Park. Notices were also published in the local newspapers of the counties in which parks were located and additional areas within the region. Only one bid for Rock Creek State Park was received prior to the bid deadline of February 24, 2006.

Rock Creek State Park, Jasper County

Sue Yeager of Kellogg offers a five year contract providing snack food-type service, convenience store items, bait and tackle sales, boat rental and firewood sales. She proposes a flat fee of \$1,700 each year of the contract. Ms. Yeager and her ex-husband previously ran the Rock Creek concession operation for five years. She has all of the equipment needed already in her possession. Staff recommends awarding the concession contract to Sue Yeager.

Lake Wapello State Park, Davis County

Pursuant to IAC Chapter 14, if no bids are received by the bid deadline, the department may contact interested persons and attempt to negotiate a contract.

Joe Pisarik of Bloomfield has proposed a five year contract offering snack food-type service, convenience store items, bait and tackle sales, boat rental, firewood sales, ELSI license sales and handling the of the lodge rental. Mr. Pisarik has indicated he is interested in pursuing a restaurant service in future years of the contract, but due to time constraints, will not be able to provide the service this year. He proposes a flat annual fee of \$500 each year of the contract. Mr. Pisarik is a science teacher at Davis County High School and owner of Pisarik Outdoors and More. The business offers bait, tackle and other services and items associated with hunting, fishing and outdoor activities. He plans to finance the operation by utilizing some of the inventory from his "outdoor store" in town and acquiring a small business line of credit. Staff recommends awarding the concession contract to Joe Pisarik.

Motion was made by Commissioner Marcantonio to approve a five-year concession contract with Sue Yeager of Kellogg for Rock Creek State Park and a five- year contract with Joe Pisarik of Bloomfield for Lake Wapello State Park. Seconded by Commissioner Duncan. Motion carried unanimously.

CONCESSION CONTRACTS APPROVED

PUBLIC PARTICIPATION

David Ryberg, Essex, Iowa farmer, representing Page County Farm Bureau, spoke regarding the Game Harvest Reporting and Landowner-Tenant Registration rule. He expressed concern that the proposed rule would make farmers prove ahead of time that they are a landowner or tenant.

He said that is unfair and the department should go after the ones that are abusing that privilege instead. Mr. Ryberg said most farmers are honest and trustworthy and abide by the rules. He said that since farmers are feeding those deer and other wildlife, they deserve the respect to have the free licenses in order to help manage the deer populations in an appropriate manner. Mr. Ryberg added that he feels that when one signs their license, that is an affidavit. He expressed concern about the FSA information getting in the wrong hands and that it should be kept as confidential information.

Jon Young, Elliott, Iowa farmer, representing Montgomery County Farm Bureau, expressed concern and opposition to having his private information on Form 1026. He said he is concerned that litigation could require DNR to turn over the list at some point and he is afraid of identity theft. Mr. Young said that he does not know of anyone that is abusing the license system but he is in favor of prosecuting those who are hunting illegally. He suggested working with the local county attorneys and working with local law enforcement to catch those abusing the license system and obtaining licenses fraudulently.

Karen Seipold, Hastings, Iowa farmer in Mills County, spoke regarding the landowner-tenant registration rule. She explained that her farm ground is either surrounded by timber, waterways or ponds, so they do not want to compromise their ability to use landowner or tenant permits to be able to keep their deer population more manageable. Mrs. Seipold said she is opposed to having personal information, especially social security numbers passed out. She said she agrees with tracking information to make sure the right people have the permits they are supposed to have, but would rather see the people that are doing it fraudulently be prosecuted. She suggested working with the local county sheriffs and prosecutors, but also asked that more factual information regarding the number and scope of people with improper licenses be compiled.

With regard to reporting harvests for deer, Mrs. Seipold said that there are times the deer hunter will be out for several days during that season. She said they should be able to report after the end of the hunting season and using the postcard survey is a good way to do that.

Richard Dittberner, Sidney, Iowa, representing the Fremont County Farm Bureau said he is basically in favor of the rule but has a problem with the mechanics in 95.2 regarding Method of Registration. He said there is a better way of determining ownership or tenancy because this information is already available in the form of social security numbers, which anyone can find on the internet. He said that can be used along with the payment of your tax receipt to establish ownership of the ground which can be passed on for the purchase of hunting license and harvesting of the animals. Mr. Dittberner added that he does not feel the FSA information has anything to do with purchasing a license so that portion should be struck from the rule.

FINAL RULE—CHAPTER 95, GAME HARVEST REPORTING AND LANDOWNER-TENANT REGISTRATION

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to adopt new Chapter 95, Game Harvest Reporting and Landowner-Tenant Registration. The new chapter requires hunters that harvest a deer or wild turkey to report each animal taken to the DNR through the new Harvest Reporting System. It also requires landowners and tenants that want to get free or reduced-fee deer and turkey hunting licenses to register in advance with the DNR.

NATURAL RESOURCE COMMISSION [571]
Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby adopts a new Chapter 95, "Game Harvest Reporting and Landowner-Tenant Registration," Iowa Administrative Code.

These rules give the regulations for reporting the harvest of deer and wild turkey and the procedures for landowners and tenants to verify their eligibility for free deer and wild turkey hunting licenses.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 29, 2006, as ARC 5020B. . A public hearing was held on April 18, 2006. Fifty-seven comments were received during the comment period. Thirty-one persons were in favor of the harvest reporting system (although several suggested modifications), five were against, one was undecided, and one was against reporting through the ELSI system. Fourteen persons were in favor of the registration system and five were opposed. The only change from the Notice of Intended Action was to change the reporting deadline for turkeys to the same as deer.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The following new chapter is adopted.

CHAPTER 95
GAME HARVEST REPORTING
AND
LANDOWNER-TENANT REGISTRATION

571—95.1(481A) Harvest reporting system. Deer and turkey hunters must report each deer and wild turkey harvested to the department of natural resources (DNR) harvest reporting system. The hunter whose name is on the transportation tag is responsible for making the report. Hunters who do not bag a deer or wild turkey do not report.

95.1(1) Reporting deadlines.

a. Deer. A harvest report must be made by midnight on the day after the day of the kill, before the deer is taken to a locker, before the deer is processed for consumption, or before the hunter leaves the state, whichever occurs first.

b. Wild turkey. A harvest report must be made no later than midnight on the day after the turkey is killed, before the turkey is taken to a locker, before the turkey is processed for consumption, or before the hunter leaves the state, whichever occurs first.

95.1(2) Method of reporting. Hunters may report the harvest in one of three ways:

a. By calling the DNR toll-free harvest reporting telephone number. The telephone number will be in operation from 6 a.m. to midnight each day during hunting seasons and for the legal reporting period after the season.

b. By reporting through the Internet using the DNR online harvest reporting system. The system will function 24 hours a day, seven days a week during hunting seasons and for the legal reporting period after the season.

c. By visiting an electronic licensing system for Iowa (ELSI) license agent during the license agent's normal business hours. Reports may be made through ELSI whenever hunting seasons are open and for the legal reporting period after the seasons.

95.1(3) Report confirmation. After the report is made, the hunter will be given a coded number to write on the transportation tag to verify that the hunter has reported the kill. The confirmation number must remain on the transportation tag, and the tag must remain attached to the deer or wild turkey until the deer or turkey is processed for consumption.

571—95.2(481A) Verifying eligibility for free landowner or tenant licenses. Eligibility for free and reduced fee deer and wild turkey hunting licenses is defined in Iowa Code section 483A.24, rule 571—98.5(483A) and rule 571—106.12(481A). A landowner or tenant must verify the landowner's or tenant's eligibility prior to obtaining a free or reduced-fee hunting license, or ELSI shall not issue the license. Registering once will enable a landowner or tenant and any eligible family members to receive all the free licenses for which the landowner or tenant is eligible. In order to register, a person must have a customer record in ELSI. A person without an ELSI customer record must call the ELSI online telephone ordering system to establish a customer record before registering.

95.2(1) Method of registration. A landowner or tenant may register in one of the following ways:

a. Landowners. A person who qualifies as a landowner on at least one parcel of land may register on the Internet through the ELSI online license sales system, or by calling the ELSI telephone ordering system, or by submitting an application through the mail. The online system and the ELSI telephone ordering system are available 24 hours a day, seven days a week. An online or telephone registrant may immediately obtain a free license once the registration process is complete. A person who registers through the mail may have to wait up to five business days after the form is received by DNR to obtain a free license.

b. Tenants. A person who qualifies as a tenant but does not own any qualifying land shall register through the mail by submitting an application or affidavit obtained from DNR. A tenant may have to wait up to five business days after the application is received by DNR before obtaining a free license.

95.2(2) Information required to verify eligibility.

a. Landowners. A landowner shall be required to provide the landowner's ELSI customer number, Iowa driver's license number, or social security number to identify the landowner's ELSI customer record. The landowner shall also provide the county number and taxpayer parcel identification number from the landowner's current property tax statement for one parcel of qualifying land. Qualifying family members must be registered to that same parcel.

b. Tenants. A tenant shall provide an application that contains the tenant's ELSI customer number, Iowa driver's license number, or social security number to identify the tenant's ELSI customer record. The tenant shall attach to the application a copy of their tenant's USDA Farm Services Agency (FSA) Form AD-1026A from one parcel of qualifying land. All persons

who qualify as family members must be listed on the application. A qualifying tenant who rents land from an owner who does not participate in USDA farm programs and is not registered with FSA may submit an affidavit which documents that the tenant rents agricultural land and which includes for verification purposes, the name, telephone number and signature of the owner.

95.2(3) Forms. Applications and affidavits may be obtained online at www.iowadnr.com, at DNR offices, or by calling (515)281-5918.

95.2(4) Registration renewal. A landowner or tenant shall renew the landowner's or tenant's registration whenever the landowner's or tenant's eligibility or the eligibility of a family member changes. A landowner or tenant shall renew the landowner's or tenant's registration after three years to retain free license privileges.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1 and 483A.7.

Date

Jeffrey R. Vonk, Director

Ken Herring related that when the bill passed last year it not only gave the department authority, but the direction for the proposal in the Notice of Intended Action. He asked Dale Garner to read the portion of the bill regarding deer harvest and reporting and the landowner-tenant registration. Mr. Herring said it was clear that legislative intent that there could be a pre registration. He asked Terry Little to comment on the need for rules regarding landowner-tenant license permits and to present some facts regarding that problem.

Terry Little explained that the number of free landowner-tenant licenses issued has been going up substantially over a period of time. It is also true that the number of deer licenses went up too. However, the number of individuals who hunt deer is going down, and the reason the license numbers are going up is because multiple licenses are being issued to the same people. Mr. Little went on to explain that the department issues about 55,000 individual free landowner-tenant licenses, with some of these people getting more than one license. If those licenses were sold instead of given away, that would be \$1.6 million. He added that the department has no concern with the legitimate landowner or tenant receiving a license.

Mr. Little added that staff receives a lot of comments from landowners themselves about other people cheating and our officers have caught people over the years. In addition, our law enforcement officers have told us that there are a large number of people that are not farmers out there—people that live in town and do not farm and have no right to those free licenses. Little went on to explain that a few years ago, each DNR law enforcement for the south central district was given a complete list of everyone who got a landowner-tenant license, and while this is not a scientific survey, they found there could be as many a 10,000 to 15,000 licenses going to people illegally who were not eligible for a free license. Using those figures, that means that between \$250,000 and \$450,000 of deer licenses are going free that should be paid for by people who are receiving the license fraudulently. Right now all these people have to do is go into a ELSI license agent and ask for a landowner-tenant license and they can get it.

Ken Herring reviewed that staff feels there is a significant problem regarding the landowner-tenant licenses. He said the confidentiality issue with Form 1026 raises concerns with staff also. He offered three options for the commission to consider: 1) Drop the 1026 form from the rule and just adopt the affidavit; 2) stay with the rule as it is and see if we can work through the issues; and 3) table the rule for staff to work with constituents and staff concerns.

Director Vonk commented that tabling the rule for a month would allow staff time to talk to county attorneys regarding having language in the affidavit that will be supported by the legal system. Vonk added that he has heard directly from several officers that they find people obtaining a license fraudulently or illegally and when they go to the county attorney, they feel this is not a high priority and if there are legal issues around the case, they will not prosecute. He went on to say he is in favor of tabling the rule for a month in order for staff to work with Farm Bureau and the county attorneys to find a solution that will be supported by the legal system.

Motion was made by Commissioner Francisco to table Final Rule—Chapter 95, Game Harvest Reporting and Landowner-Tenant Registration until next month. Seconded by Commissioner Marcantonio. Motion carried unanimously.

RULE TABLED

MANAGEMENT AGREEMENT WITH JACKSON COUNTY CONSERVATION BOARD – BALDWIN MARSH

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission is requested to authorize the director to execute a management agreement between the Jackson County Conservation Board and the DNR. The DNR and the Jackson County Conservation Board have determined that it is in the public interest to transfer management of state-owned property in Jackson County to the Conservation Board.

The property consists of 37 acres and is adjacent to Jackson County Conservation Board's 30 acre Baldwin Marsh. The DNR property was purchased with funds from Section 6 of the Endangered Species Act and REAP to provide buffer and as possible restoration site for a population of the eastern prairie fringed orchid, a federal and state threatened plant species.

The state land will be open to public hunting under rules mutually agreed upon by Iowa DNR staff and the Jackson County Conservation Board. Only non-toxic shot will be allowed while hunting with the exception of deer hunting.

The management agreement is for 25 years with provisions for termination by either party with 30 days notice to either party.

Motion was made by Commissioner Duncan to authorize the Director to execute a 25-year management agreement between the Jackson County Conservation Board and the DNR for 37 acres adjacent to Baldwin Marsh. Seconded by Commissioner Francisco. Motion carried unanimously.

MANAGEMENT AGREEMENT APPROVED

CONTRACT WITH ISU – BEST MANAGEMENT PRACTICES FOR AQUATIC VEGETATION IN IOWA LAKES

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Approval is requested for the Department of Natural Resources to contract with Iowa State University to develop both short- and long-term strategies needed to address the impact of aquatic plants on fish, fishing and other lake uses. These impacts have increased as the result of the DNR's success in improving quality and clarity of lake water. Although aquatic plants are an essential component of lake ecosystems, the combination of clear and nutrient-rich water has resulted in excessive growths of vegetation, especially in shallow water near shore. These same, near shore areas are also the portions of our lakes most used by the public. In summary, this information is critical to the DNR's efforts to restore lake water quality and maintain, even increase, the public's use of lakes. The study will be conducted over a 3-year period at a cost of \$158,936 (\$112,690 Fish and Wildlife Trust Fund and \$46,246 ISU's indirect).

This work is a cooperative effort between ISU and the Fisheries Bureau. Information gained in this study will result in a detailed knowledge of the relationships between lake basin shape, water quality, fish and plants. This information will be combined with an assessment of methods and techniques used to control nuisance growths of plants. The result will be implementation of those best management practices most suited to the control of overabundant vegetation in Iowa lakes.

We recommend that the Department approve this contract with Iowa State University.

Motion was made by Commissioner Francisco to enter into a contract with Iowa State University to develop both short- and long-term strategies needed to address the impact of aquatic plants on fish, fishing and other lake uses. Seconded by Commissioner Garst. Motion carried unanimously.

CONTRACT APPROVED

CONTRACT WITH ISU—RADIO-TELEMETRY INVESTIGATION OF COMMON CARP IN CLEAR LAKE

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Approval is requested for the Department of Natural Resources to amend a Contract with Iowa State University to study behavior and movements of common carp in Clear Lake an additional year. This information is critical to the DNR's efforts to restore water quality in the lake. The study will be funded by the Lake Restoration Fund and this amendment will add an additional 14 months to the existing study, at a cost of \$51,270.

The additional work will result in a second season of radio tracking common carp in Clear Lake. Information gained in this study will result in detailed knowledge of the seasonal locations, movements and aggregation of carp and will be used to accurately guide a long-term investment in carp control. The information will be used to develop strategies to reduce carp density and, when combined with other lake and watershed improvements, will result in an improvement in the water quality of Clear Lake.

We recommend that the Department extend this contract with Iowa State University.

Motion was made by Commissioner Francisco to amend a contract with Iowa State University to study behavior and movements of common carp in Clear Lake an additional year. Seconded by Commissioner Garst. Motion carried unanimously.

CONTRACT EXTENSION APPROVED

PUBLIC OWNED LAKES PROGRAM – WATERSHED ELIGIBILITY

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission has responsibility for designating those watersheds above publicly owned lakes where private landowners are eligible to receive cost share funding for 75% of the cost of installing approved permanent soil conservation practices. Funds for the program come from appropriations to the Iowa Department of Agriculture and Land Stewardship. Funding for the Program is 5% of the total appropriation for the state cost-share program for soil erosion. Funding for the program in fiscal year 2002 was \$375,000. Funding in fiscal year 2003 was \$175,000. Funding in fiscal years 2004 through 2006 was \$275,000. All funds for fiscal year 2006 have been obligated. Funding for fiscal year 2007 is projected to be \$275,000.

Procedures for establishing and maintaining a list of eligible watersheds are set forth in IAC [571], Chapter 31 Publicly Owned Lakes Eligibility Process. In accordance with the rules the following preliminary recommendations for watershed eligibility in fiscal year 2007 have been developed.

Constructed Lakes

Lake Geode, Des Moines and Henry Counties

Williamson Pond, Lucas County

Hawthorn Lake, Mahaska County

Roberts Creek Lake, Marion County

Additional constructed lakes recommended for the reasons indicated:

Lost Grove Lake, Scott County (a new lake planned for construction in fiscal year 2007 and the subject of an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Three Mile Lake, Union County (recently constructed, recommended to preserve its quality)

Lake of Three Fires, Taylor County (subject of a comprehensive lake, watershed and park improvement project, funded from a variety of state and federal sources and the subject of an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Lake Icaria, Adams County (eligibility requested by the local Soil and Water Conservation District and significant local participation and support)

Rock Creek Lake, Jasper County (subject of a comprehensive lake, watershed and park improvement project, funded from state sources and the subject of an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Lake Darling, Washington, Jefferson and Keokuk Counties (subject of an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Lake Macbride, Johnson County (subject of an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Viking Lake, Montgomery County (subject of an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Brushy Creek Lake, Webster County (subject of an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Badger Creek Lake, Madison County (subject of an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Natural Lakes

The interconnected Iowa Great Lakes system, to be considered a single watershed for funding:

West Okoboji Lake

Center Lake

Big Spirit Lake

Little Spirit Lake

East Okoboji Lake

Upper Gar Lake

Minnewashta Lake

Lower Gar Lake

Additional natural lakes to be included for the reasons indicated:

Storm Lake, Buena Vista County (subject of a state and local funded lake and watershed restoration project and an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Crystal Lake, Hancock County (subject of a state funded lake and watershed restoration project and an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Clear Lake, Cerro Gordo County (subject of a comprehensive lake, watershed and park improvement project, funded from a variety of state and federal sources and the subject of an EPA Section 319 watershed project that utilizes soil erosion practice funding)

The recommendations above are continue all watershed eligibility from fiscal year 2006, except the addition of Badger Creek Lake, based upon its recently approved EPA Section 319 project. Public Owned Lakes funds and EPA funds can be combined to effectively triple the value of Public Owned Lakes funds. Lost Grove Lake watershed is recommended prior to lake construction because the staff believes its participation in the program will provide a unique opportunity to maximize water quality in the lake and protect the significant investment that soon will be made in the lake.

These recommendations have been sent to all Soil and Water Conservation Districts for informational purposes. The commission will be requested to approve the eligibility list at its June meeting.

INFORMATION ITEM

TIMBER SALE—LOESS HILLS STATE FOREST, PREPARATION CANYON

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

For Natural Resources Commission, informational item, the Forestry Bureau is conducting a timber sale involving approximately 20 acres involving 114 trees (15,640 board feet (Scribner)) located on the Preparation Canyon Unit of the Loess Hills State Forest. The trees are located Section 35, Sioux township, T82N, R44W, in Monona County. Trees are marked with blue paint.

This is a scheduled harvest of mature black walnut, elm, cottonwood and hackberry is a salvage harvest because of beaver activity in the area which is destroying all the mature timber. The goal for this site is protection from further beaver damage while protecting the water quality. Additionally, we need to remove the overstory for the benefit of young tree and shrubs. Both sides of the drainage have been planted with trees and shrubs and now require that the overstory be removed to increase the sunlight and improve growth.

This proposed sale was reviewed and approved by DNR Plant Ecologist, John Pearson during the Summer of 2005 with consultation with Daryl Howell, DNR Nongame Biologist. There was no indication that any endangered plant or animal species are in this area. A check of the archeological sites in Monona County revealed no sites in the area. The area is far north of the accepted Indiana bat region.

Harvesting will only be allowed when the ground is firm, dry or frozen. Landings will be along the crop field on the east side. Access is by county roads, Oak Avenue and 340th Street.

Sealed bids were received until 10:00 A.M., Monday, April 24, 2006, at which time bids were opened and the sale will be awarded to the highest bidder.

The bids were as follows:

Lansing Forest Products	\$8,524
Siouxland Timber	\$6,846
Big Timber, Inc	\$4,821

The successful bidder was Lansing Forest Products and they must execute a timber sale contract with the State of Iowa by May 31, 2006, and make payment at that time. Trees must be removed by March 30th, 2007. Liability insurance is required. Buyers must be bonded.

<u>Species</u>	<u># trees</u>	<u>board feet</u>
Walnut	55	5,220
Cottonwood	22	8,200
Hackberry	17	1,000
<u>Elm</u>	<u>20</u>	<u>1,220</u>
Totals	114	15,640

INFORMATION ITEM

CONTRACT APPROVAL – WATER QUALITY MESSAGING

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Department developed *An Education Plan for Aquatic Stewardship*, which includes strategies sorted and judged for potential to make a positive difference in water quality in Iowa. Stewardship behaviors are stimulated by skillfully combining marketing, information, education, and social support for people who are leading their communities to make improvements. A point of consensus among members of the working group that developed the plan is that Department outreach messages about water quality and good stewardship behaviors must be developed and implemented consistently throughout agency outreach efforts for the plan to be implemented successfully.

We have gathered information about perceptions and attitudes (related to water quality) from a few target audiences through the Statewide Comprehensive Outdoor Recreation (SCORP) Plan, focus groups/surveys on fishing participation, and the Iowa Lakes Study. This information will provide a baseline for future surveys to determine effects of education/information efforts. Ultimate indicators of success will be changes in behaviors to benefit water quality.

The focus of this project is refinement of messages and development of tools to be used by the Aquatic Education Program for those strategies in *An Education Plan for Aquatic Stewardship* covered by the purview of that program and related outreach efforts. This encompasses *Fish Iowa!*, *Hooked on Fishing Not on Drugs*, *Project WILD* and *WILD Aquatic*, and *Project*

Learning Tree used with schools and youth groups as well as fishing clinics, Parks interpretive efforts, and general public outreach programs related to our aquatic resources.

A department-wide group will provide input in final message and resource tool development (e.g., guidelines and/or general presentations/informational materials). Funding will be provided by the Aquatic Education Program – Sport Fish Restoration Funds.

Requests for proposals were sent to 11 firms and posted on the TSB and DNR web sites. Three firms/individuals submitted bids to work on the project. A four-person team scored written proposals based on the experience of the firm in this area, the project proposal, the timeline for completion, and the budget for the project. Two firms were invited to participate in a follow-up phone interview with a visual presentation. The team recommends accepting the bid from DJ Case and Associates for \$48,585.00 based on the scoring of proposals.

Firm	General Proposal	Proposal Cost
DJ Case	Analysis of research/plans/ existing materials; development of internal training tools	\$48,585-\$84,317* * 32,500 in “optional” services
ME & V	Marketing plan, web site development	\$48,100 - \$52,100
CJE Productions	Promotional DVD focusing on fishing/sailing	\$14,296.29

Motion was made by Commissioner Duncan to approve a contract with DC Case and Associates in the amount of \$48,585.00 for a project including the refinement of messages and development of tools to be used by the Aquatic Education Program for those strategies in An Education Plan for Aquatic Stewardship covered by the purview of that program and related outreach efforts. Seconded by Commissioner Marcantonio.

Commissioner Garst remarked that she recently attended an American Rivers Association session and said she learned that rather than using the term “water quality” that vocabulary should be readjusted to using the term “clean water” when communicating because the public understands the words “clean water” better.

Ken Herring recognized the Director and Diane Ford-Shivvers for the job they did during the legislative session. He noted many accomplishments made during the session. He introduced Senator Steve Kettering and Representative Richard Anderson and acknowledged that the department is operating in the atmosphere that we need to make more effort at communicating better and that has resulted in good things happening.

Motion carried unanimously.

CONTRACT APPROVED

DIRECTOR'S REMARKS

Director Vonk echoed that he thought the legislative session went well for the department with the exception of a bill that would kill our rule that would use some very limited environmental considerations to site large scale livestock operations. He said he would urge the Governor to veto that bill so the department can continue with rulemaking.

Budget-wise, Director Vonk said great progress was made on the water quality front and it was a good session overall. He expressed appreciation for the work of legislators and the efforts of Diane Ford-Shivvers and Sharon Tahtinen in working with staff and legislators to work out agreements. He distributed a brief summary of bills from the session.

Commissioner Garst asked for an update on developing specific methodologies with regard to more hunting access using funding from out-of-state hunting licenses.

Director Vonk responded that again this year the department was not successful in increasing the number of non resident hunting permits. He said that while there is no specific proposal, staff is working on how an access program might work in Iowa; however, such a program requires funding which the department does not have. Director Vonk related that the Wildlife Bureau brought in representatives from other states that have a private land access program using trust funds and other kinds of money to talk about different approaches and methodologies, successes and hazards, etc.

Director Vonk related that there is language in the Standings Bill that calls for the department to facilitate a 15-member advisory group to explore sustainable funding for natural resources. He said some of that funding would come to or work through the DNR, but it also would cover a gamut of other long-term funding needs such as soil conservation, clean water funding, and funding on a more permanent basis. The authorizing legislation requires investigation of other states' funding models, an analysis of the political will of Iowans to support a long-term funding source, and the issuance of a report of findings and recommendations to the General Assembly next session.

Director Vonk related that some organizations have been meeting on the sidelines to discuss sustainable funding and that a couple of commissioners have been thinking about it and perhaps working on the side, but this legislation showed up in the standings bill at the end of the session. He expressed frustration that some people or organizations who were not appointed to the 15-member group are meeting to discuss asking for a veto of that legislation because of hurt egos.

Commissioner Garst related that it is great that there is talk in the state and that people are generating the idea that something has to be done about more serious funding for the department and natural resources. She said it is wonderful that this bill was passed and there is a mechanism to bring people and groups together.

GENERAL DISCUSSION

Chairperson Schneider thanked DNR staff –Carl Priebe, Bob Schierbaum, Mark Johnson and Kevin Thorne and other parks staff for the informative tour on Wednesday.

Commissioner Francisco said that he thought it was agreed that in our land purchases we were going to state whether the property would remain on property tax roles. He said that information would be worthwhile to include on the agenda item so the public is aware that we are still paying property taxes.

Linda Hanson responded that acquisitions funded by REAP or funded by Habitat money are going to be on the tax roles. She offered to include this information in the agenda item.

NEXT MEETING DATES

The next meeting will be at the Whiterock Conservancy, Coon Rapids, Iowa.

ADJOURNMENT

<i>Motion was made by Commissioner Marcantonio to adjourn the May 11, 2006 NRC meeting. Seconded by Commissioner Francisco. Meeting adjourned at 11:25 a.m..</i>
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Jeffrey R. Vonk, Director

Joan Schneider, Chairperson

Elizabeth Garst, Secretary

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